Government of Canada Gouvernement du Canada

International Convention on the Elimination of All Forms of Racial Discrimination

Fifteenth and Sixteenth Reports of Canada

covering the period
June 1997 - May 2001

Canada

104-01272/

FOREWORD

The *International Convention on the Elimination of All Forms of Racial Discrimination* was adopted by the United Nations General Assembly on December 21, 1965. Canada ratified the Convention on October 14, 1970.

State Parties are required to report to the United Nations on measures they have taken to give effect to the Convention. The combined Fifteenth and Sixteenth Report was submitted to the Committee on the Elimination of Racial Discrimination on September 22, 2003, and covers the period of June 1997 to May 2001. It was prepared in close collaboration by the federal, provincial and territorial governments and describes measures and initiatives taken by these governments with respect to the Convention.

Through publication of this report, it is hoped that Canadians will be encouraged to become familiar with the measures adopted in Canada to ensure the implementation of the Convention and to broaden their understanding of the obligations contracted by Canada through ratification of this important international treaty.

Copies of the report are available in both official languages and may be obtained free of charge from the Human Rights Program of the Department of Canadian Heritage. This report is also available on the Human Rights Program Web site at: http://www.pch.gc.ca/progs/pdp-hrp/ .

Human Rights Program
Department of Canadian Heritage
25, Eddy Street (15-11-B)
Gatineau, Québec
K1A 0M5
Tel: 819-994-3458
Fax: 819-994-5252
E-mail: rights-droits@pch.gc.ca

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Table of Contents

Introduction 1

PART I — General Information 3

PART II — Jurisprudence of National Application 7

PART III — Measures Adopted by the Government of Canada 13

PART IV — Measures Adopted by the Governments of the Provinces[*] 53

- British Columbia 54
- Alberta 63
- Saskatchewan 73
- Manitoba 91
- Ontario 98
- Québec 108
- New Brunswick 117
- Nova Scotia 132
- Prince Edward Island 140
- Newfoundland and Labrador 151

PART V — Measures Adopted by the Governments of the Territories[*] 153

- Yukon 154
- Northwest Territories 158
- Nunavut 159

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[*] In geographical order, from west to east.

Introduction

1. This document constitutes the combined Fifteenth and Sixteenth Report of Canada on the *International Convention on the Elimination of All Forms of Racial Discrimination* (hereinafter the Convention). The information in these reports covers the period from June 1997 to May 2001. Any information not falling within that period is indicated in the report. Information provided in previous reports is not repeated in this document, but updates are included where significant change has occurred.

2. This report contains information on legislation, policies and programmes adopted by the federal, provincial and territorial governments to combat racial discrimination in their respective areas of jurisdiction during the period under review. It updates previous reports under this Convention. These reports may be obtained through the Human Rights Program of Canadian Heritage Web site address at: http://www.pch.gc.ca/progs/pdp-hrp/index_e.cfm .

3. In preparing this document, consideration was given to the Concluding Observations issued by the Committee on the Elimination of Racial Discrimination after the review of Canada's 11th and 12th reports. The Committee reviewed Canada's 13th/14th report in August 2002 and issued further observations on August 23 of the same year. However, as many jurisdictions had already completed their submissions for the combined 15th/16th report, and as the period under review for this report concludes with May 2001, Canada will consider and respond to the Committee's latter observations in its next report, which will cover the period of June 2001 through May 2004.

4. Information in the report is divided into four parts. The first part includes general information on the demographic and linguistic characteristics of the Canadian population in order to illustrate Canada's multiethnic, multiracial and multilingual diversity. The second part includes an analysis of case law and national laws that aim to combat racial discrimination in the country. The third part comprises of an examination of measures adopted by the Government of Canada to combat racism in all sectors of society. Finally, the fourth part indicates measures adopted by each province in Canada to combat racial discrimination in their respective jurisdictions.

5. While the Convention does not specifically refer to indigenous people, this report continues the practice of covering aspects of the situation of the Aboriginal peoples of Canada that are relevant to the Convention. It must be emphasized, however, that Aboriginal peoples are not considered to be an "ethnic group" by either Aboriginal

peoples themselves or the federal government. Emphasis is accorded the unique situation of Aboriginal peoples as Canada's original inhabitants and affirms their special relationship with the State, based on unique entitlements.

6. Descriptions of the *Employment Equity Act* and associated implementation policies and programmes refer to the term "visible minorities", which is defined as "persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour". Statistics Canada also uses this term in the collection of census data. However, it should be emphasized that in general, policies, programmes and laws implementing measures against racial discrimination are not restricted to those groups covered by the *Employment Equity Act* definition. For example, as indicated under article 4 of this report, *Criminal Code* provisions prohibiting hate propaganda use the term "identifiable group", that is, any section of the public distinguished by color, race, religion or ethnic origin.

PART I

General Information

7. Canada is a federal state comprised of ten provinces (Alberta, British Columbia, Prince Edward Island, Manitoba, New Brunswick, Nova Scotia, Ontario, Quebec, Saskatchewan and Newfoundland) and three territories (Northwest Territories, Yukon and Nunavut). While the ratification of international treaties falls under federal jurisdiction, their implementation includes the participation of all levels of government in Canada, as issues covered by the Convention are under joint federal, provincial and territorial jurisdiction.

8. The federal government has adopted an array of laws that aim to eliminate social inequalities while combatting all forms of discrimination in the country. These include the *Canadian Charter of Rights and Freedoms* and other provisions of the *Constitution Act*, 1982, the *Canadian Bill of Rights*, the *Canadian Human Rights Act*, the *Canadian Multiculturalism Act*, the *Employment Equity Act*, the *Canada Labour Code*, the *Public Service Staff Relations Act*, the *Public Service Employment Act* and the *Criminal Code of Canada*. Apart from these acts, a wide range of policies and programmes are implemented by the governments in order to combat exclusion and social marginalization resulting from all forms of discrimination.

9. Provincial and territorial governments have also adopted extensive legislation, programmes and policies which ensure the implementation of the Convention in their jurisdictions. These are detailed in Part IV of this report.

Demographic analysis of Canadian diversity

10. Canada continues to be recognized internationally as a multicultural, multiethnic and multiracial society, whose diversity is both demographic and social. In the 1996 census[1], approximately 42 percent of Canadians reported being from at least one background other than French, British or Aboriginal. Visible minorities account for 11 percent (3,197,480 individuals) of the total population in Canada. Of this number, 17.9 percent reported being Black (or 573,860 persons), 21 percent reported being South Asian (or 670,585 persons), 26 percent reported being of Chinese origin (or 860,150 persons), 2 percent reported being of Korean descent (or 64,835 persons), 2 percent reported being Japanese (or 68,130), 5.4 percent reported being from South-East Asia (or 172,765 persons), 7.3 percent reported being from the Philippines (or 234,195 individuals), 7.7 percent reported being Arabic / West Asian (or 244,660 persons), 5.5 percent reported being Latin-American (or 176,975 individuals), and approximately 2 percent reported being from multiple visible minority backgrounds.

11. An examination of the demographic profile of Canadian provinces indicates that visible minorities represent approximately 1 percent of the populations of Newfoundland (or

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[1] Data from the 2000 Census was not available at time of writing and will be included in the next report.

3,815 inhabitants), Prince Edward Island (1,520 persons) and of New Brunswick (3,840 persons), 3 percent of the population of Nova Scotia (31,320 persons), 6 percent of the population of Quebec (433,985 persons), 15 percent of the population of Ontario (1,682,045 persons), 7 percent of the population of Manitoba (77,355 persons), 17.9 percent of the population of British Columbia (660,545 persons), 3 percent of the population of the Yukon (1,000 persons), 2 percent of the population of the Northwest Territories (1,670 persons), approximately 3 percent of the population of Saskatchewan (26,950 persons) and 10 percent of the population of Alberta (269,280 persons).

12. In large urban cities in Canada, 1996 census data indicates that 401,425 members of visible minorities live in Montreal (12 percent of the city's total population), 115,460 in the Ottawa-Hull region (11.5 percent of the population), 1,338,095 in Toronto (approximately 31 percent of the city's total population), 73,315 in Winnipeg (approximately 11 percent of the city's total population), 10,355 in Regina (approximately 5 percent of the city's total population), 127,555 in Calgary (approximately 15 percent of the city's total population), 115,435 in Edmonton (13 percent of the city's total population) and 564,595 members of visible minorities in Vancouver (31 percent of the city's total population).

13. Women make up a significant portion of visible minorities in Canada. In fact, 1996 census data shows that 51 percent of the total visible minority population in Canada are women (i.e., 1,631,925 women out of 3,197,480 members of visible minorities). In addition, at the provincial level, Statistics Canada data indicates that women represent approximately 47 percent of visible minorities in Newfoundland (1,785 persons), 52 percent of visible minorities in Prince Edward Island (785 persons), 51 percent of visible minorities in Nova Scotia (16,005 persons), 48 percent of visible minorities in New Brunswick (3,840 persons), 50 percent of visible minorities in Quebec (217,600 persons), 51 percent of visible minorities in Ontario (862,425 persons), 50 percent of minorities in Manitoba (38,925 persons), 49 percent of visible minorities in Saskatchewan (13,225 persons), 50 percent of visible minorities in Alberta (136,390 persons), 51 percent of visible minorities in British Columbia (339,600 persons), 49 percent of visible minorities in the Yukon (490 persons) and 51 percent of visible minorities in the Northwest Territories (855 persons).

14. An overview of the country's demography indicates that there are 608 First Nations in Canada, comprising 52 different peoples. Census data from 1996 also reveals that Canadians of Aboriginal descent[2] make up 2.8 percent of the country's population, a total

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[2] According to Statistics Canada, the word "Aboriginal" is defined as follows: "...those persons who reported identifying with at least one Aboriginal group, i.e. North American Indian, Métis or Inuit and/or those who reported being a Treaty Indian or a Registered Indian as defined by the *Indian Act of Canada* and/or who were members of an Indian Band or First Nation."

of 799,010 individuals[3]. Of this number, 69 percent reported being North American Aboriginal (554,290 individuals), 26 percent reported being of Métis descent (203,640 persons) and 5 percent identified themselves as Inuit (41,080 people). Also, 1996 census results show that 4.4 percent of the total population in Canada have Aboriginal ancestors.

15. Of the 799,010 Aboriginal people, a total of 488,040 individuals reported being Registered Indians as defined by the *Indian Act*. Of these 488,040 people, 46.6 percent (227,285 individuals) live on reserves, while 53.4 percent (260,755 individuals) live off reserves.

16. At the provincial level in Canada, the Aboriginal population represents 2.6 percent of Newfoundland's population (14,200 persons), approximately 1 percent of Prince Edward Island's population (950 persons), 1.4 percent of the population of Nova Scotia (12,380 individuals) and New Brunswick (10,250 individuals), 1 percent of Quebec's (71,415 persons) and Ontario's (141,520 persons) populations, 11.7 percent of the population of Manitoba (128,680 individuals), 11.4 percent of the population of Saskatchewan (111,245 persons), 4.6 percent of Alberta's population (122,835 people), 3.8 percent of British Columbia's population (139,655 individuals), 20 percent of Yukon's population (6,175 persons), 62 percent of the population of the Northwest Territories (39,690 individuals) and 85 percent of Nunavut's population (20,690 persons). Census data from 1996 also indicates that Ontario has more North American Indians than any other province in Canada. Alberta, however, has the largest Métis population in the country, while the Northwest Territories have the largest Inuit population.

17. According to Statistics Canada's forecasts, the country's proportion of adult members of visible minorities is expected to double by 2016. Consequently, federal policies and programmes designed to promote multicultural, multiethnic and multiracial diversity are particularly important for their development and Canada's evolution on a national and international scale.

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[3] Data from Statistics Canada indicates that the total number of North American Aboriginal people, Inuits and Métis is greater than the total number of Aboriginal people in Canada because 6,415 individuals reported being part of more than one group. In addition, single and multiple responses were calculated together.

PART II

Jurisprudence of National Application

General

18. As described in the Core Document, Canada's Constitution includes the *Canadian Charter of Rights and Freedoms*. Section 15 of the Charter prohibits discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. While Section 15 lists a limited number of grounds under which discrimination is prohibited, the Supreme Court of Canada has held that the list is not exhaustive and that other distinctions based on analogous grounds are subject to review.

19. Section 15 also contains a feature which enhances the capacity of governments to enact special measures in favor of disadvantaged individuals or groups. It reads:

> (2) Subsection (1) does not preclude any law, programme or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Article 2: Equality Rights and Non-Discrimination

20. Although neither of the following two cases deal with racial discrimination, they set out important tests for equality jurisprudence in Canada. In *Law v. Canada (Minister of Employment and Immigration)*, [1999] 1 S.C.R. 497, the Supreme Court of Canada synthesized previous equality Charter jurisprudence to set out a general test for s. 15 of the Charter. *Law* dealt with the issue of whether age requirements for survivor benefits constituted discrimination. The Court stated that the purpose of s. 15 (1) was to "prevent the violation of essential human dignity and freedom through the imposition of disadvantage, stereotyping, or political or social prejudice, and to promote a society in which all persons enjoy equal recognition at law as human beings or as members of Canadian society, equally capable and equally deserving of concern, respect and consideration."

21. In *British Columbia (Public Service Employee Relations Commission) v. British Columbia Government and Service Employees' Union (BCGSEU)*, [1999] 3 S.C.R. 3, a woman challenged the validity of the employment fitness test for firefighters on the basis of sex discrimination under the British Columbia *Human Rights Code*. In holding that the fitness test was discriminatory, the Supreme Court unified an approach under human rights legislation so that the same test is used in both direct and adverse effect discrimination. The unified approach is intended to develop standards to accommodate the potential contributions of all employees in so far as this can be done without undue hardship to the employer. There have also been a number of developments in aboriginal law over the relevant period.

Charter Challenges

22. In *Corbière v. The Queen*, [1999] 2 S.C.R. 203, the Supreme Court of Canada ruled that the *Indian Act* voting restriction to only on-reserve residents violated the section 15 equality guarantee under the Charter and that it was not justified under section one of the Charter. The Court found that the voting restriction constituted discrimination by denying off-reserve members the right to participate fully in Band governance matters which affect their interests. According to the Court, what is required is a mechanism that would respect non-residents' rights to meaningful and effective participation in the voting regime of the community but would also recognize the somewhat different interests of residents and non-residents. In order to permit the Crown to consult with appropriate stakeholders, the Court granted an 18-month suspension of the striking out of the restriction on voting to only on-reserve Band members.

23. The federal Crown intervened in *Lovelace v. Attorney General of Ontario*, [2000] 1 S.C.R. 950, which involved a claim by various off-reserve Aboriginal groups that the province's scheme to share the revenues from a casino located on a reserve with only on-reserve Indians violates the equality provisions of the *Canadian Charter of Rights and Freedoms*. The Supreme Court of Canada ruled that Ontario is not violating the Charter's equality guarantee by sharing those particular casino profits with Indian Bands only and not including the off-reserve, non-status and Métis groups.

Treaty Issues

24. In *R. v. Badger*, [1996] 1 S.C.R. 771, members of the Sturgeon Lake Band in Alberta were charged under Alberta's *Wildlife Act* for hunting for food on unoccupied private lands without a licence. The Supreme Court of Canada ruled that Treaty 8 grants a right to Indians to hunt on private lands that are not being put to a visible use incompatible with hunting. The Court upheld the Crown's power to unilaterally extinguish Aboriginal and treaty rights, at least in the pre-1982 context. Where the Natural Resources Transfer Agreement (NRTA) evinces a clear intention to do so, the NRTA modified, altered or extinguished treaty rights. However, in this instance, the NRTA does not affect the treaty right to hunt on unoccupied private lands, which are not being put to a use incompatible with hunting.

25. Of further interest, the Supreme Court of Canada reiterated principles of treaty interpretation established in prior decisions i.e. ambiguities in historical treaties are resolved in favour of the Aboriginals peoples, the onus on establishing extinguishment of treaty rights falls on the Crown, treaties represent exchanges of solemn promises between the Crown and First nations and their nature is sacred. Additionally, the Court clarified

that the *Sparrow* justification test applies not only to infringement of Aboriginal rights, but infringements of treaty rights. In this regard, the Court held that reasonable safety regulations do not infringe Aboriginal or treaty rights to hunt for food.

26. The Supreme Court of Canada ruled in *R. v. Marshall,* [1999] 3 S.C.R. 456, that there is an implied term in the Treaties of 1760-61 granting to the Mi'kmaq signatories a right to engage in traditional resource harvesting activities, including for the purposes of sale, to the extent required to provide them a moderate livelihood. In the course of the judgment, the Court clarified some important principles of evidence relating to the interpretation of Aboriginal peoples historical treaties. In particular, the Court expressly rejected its earlier pronouncement in the *Horse* case that treaties are to be interpreted without resort to intrinsic evidence where the treaty terms are unambiguous.

27. One month after the *Marshall* decision, the Supreme Court of Canada, in the course of dismissing an application for a rehearing of the case, *R. v. Marshall* [1999] 3. S.C.R. 533, clarified several important aspects relating to its prior decision. The Court stressed that the treaty right does not belong to the individual but is exercised by the local community. The Court also emphasized that, in its earlier judgment, the only treaty right which had been established was in relation to fishing, hunting and traditional gathering activities such as wild berries and fruit. With respect to what resources are covered by the treaty, the Court stated that any extended interpretation of the term "gathering" so as to include logging and minerals, would have to be established by the Aboriginal claimant in another case. The exercise of the treaty harvesting right is limited to the area traditionally used by the local community. With respect to the justified infringement of the treaty harvesting right, the Court stressed that the Crown can accommodate the historical involvement by non-Aboriginal persons in the resource industry in regulating the treaty right.

Aboriginal Rights and Fiduciary Obligation Issues

28. *R. v. Van der Peet*, [1996] 2 S.C.R. 507, involved the question of whether section 35 of the *Constitution Act, 1982* includes, as an aboriginal right, a right to fish commercially. The Court outlined the test for identifying aboriginal rights protected under section 35. Essentially, an aboriginal group must establish that, at time of contact with Europeans, the particular activity claimed as an aboriginal right was a practice, tradition or custom that was integral to the society's distinctive culture.

29. Applying the above test to the facts of the cases, the Court ruled that the accused in *R v. Gladstone,* [1996] 2 S.C.R. 723 had established an aboriginal commercial fishing right. Other considerations, apart from conservation goals, are to be taken into account in determining whether governmental restrictions were justified. Objectives such as the pursuit of economic and regional fairness, as well as, the historic non-native participation

in the fishery are relevant objectives in the context of the justification analysis. Aboriginal rights have to be given priority but they also have to be reconciled with other rights and interests.

30. *Delgamuukw v. Attorney General of British Columbia*, [1997] 3 S.C.R. 1010, involved a claim by the Gitskan and Wet'suwet'en hereditary Chiefs for Aboriginal title and an inherent right to self-government over 22,000 square miles of British Columbia. The Supreme Court of Canada ruled that, due to evidentiary problems with the case, a new trial is required to determine whether the plaintiffs enjoy the claimed Aboriginal title and self-government rights. While not providing any guidance on the issue of rights of self-government, the Court made general pronouncements on the scope and content of Aboriginal title. In essence, if an Aboriginal group can establish that, at time of sovereignty, it exclusively occupied a territory to which a substantial connection has been maintained, then it has the communal right to exclusive use and occupation of such lands. The Aboriginal group can use the lands for far ranging purposes including economic exploitation. The only limitations are that the lands cannot be disposed of without surrender to the Crown nor can they be used in such a fashion that would destroy the Aboriginal group's special bond with the land. The Court also ruled that both the federal and provincial Crown can justifiably interfere with an Aboriginal group's Aboriginal title. However, the Court rejected the province's counterclaim regarding provincial power to extinguish Aboriginal rights in finding that, since Confederation, only the federal Crown has such a power. The Court stressed that consultation is always required when Aboriginal title might be infringed.

Article 4 : Prohibition against promotion of racism

31. In *R. v. Harding* (2001), 52 O.R. (3d) 714, aff'd Dec. 17, 2001, the Ontario Court of Appeal upheld the accused's conviction of wilful promotion of hatred under s. 319(2) of the *Criminal Code*. The accused had distributed pamphlets and a telephone message which expressed the views that Muslims, as a group, are dangerous people, capable of acts of violent terrorism and cruelty, that they pose a threat to other faiths and that it is the objective of Canadian Muslims to overtake the country. The trial judge found that the accused was wilfully blind to the fact that the promotion of hatred was a substantially certain consequence of his acts. The Court of Appeal held that wilful blindness meets the mens rea requirement for the offence of wilful promotion of hatred that justifies the violation of freedom of expression under s. 2(b) of the *Canadian Charter of Rights and Freedoms*.

32. In *R. v. Upson*, [2001] N.S.J. No. 189 (Q.L.) (N.S.C.A.), the dismissal of the accused's appeal on her conviction of uttering threats to cause bodily harm or death to members of the black community contrary to s. 264.1(1)(a) of the *Criminal Code*. Proceedings

against the accused with respect to the charge of threatening bodily harm or death to a minister were conditionally stayed because of the rule against multiple convictions for the same delict.

33. Two companion cases, *Canadian Jewish Congress v. North Shore Free Press Ltd.* (1998), 30 C.H.R.R. D/5 (B.C. Tribunal) and *Abrams* v. *North Shore Free Press Ltd.* [2001] B.C.H.R.T. No. 43, dealt with the publication of articles alleged to expose Jewish persons to hatred and contempt under the *Human Rights Code* of British Columbia. In *CJC v. North Shore*, the BC Tribunal held that s. 7(1)(b) of the British Columbia *Human Rights Code* is valid under the *Canadian Charter of Rights and Freedoms*. However, the Tribunal held that the publication of one article by North Shore Free Press did not violate s. 7(1)(b) since the content was not so extreme as to be hateful. In *Abrams*, the Tribunal held that there was a violation by Doug Collins and North Shore News of s. 7(1)(b) of the B.C. by the publication of four articles similar in content. Mr. Collins and North Shore News were ordered to cease publication of the articles, pay $2000 in compensation to Mr. Abrams and publish a summary of the decision.

Article 6 : Effective protection and remedies

34. In *R. v. Miloszewski*, [1999] B.C.J. No. 2710, the British Columbia Provincial Court convicted five accused of manslaughter. In the sentencing decision, the judge took into consideration the racist motivations for the manslaughter of a Sikh man on the grounds of his temple, "What can be achieved by what I am doing today is to send a loud, clear and unequivocal message, not only to these five accused but to others that share their views, that if they commit acts of violence against any persons or property out of hatred they will be condemned and punished severely."

PART III

Measures Adopted by the Government of Canada

Article 2 : Policy and programme initiatives

Aboriginal Issues

35. In 1998, Canada responded to the report of the Royal Commission on Aboriginal Peoples with *Gathering Strength - Canada's Aboriginal Action Plan*, a fully integrated, long term government-wide strategy designed to improve the quality of life for Aboriginal people and promote self-sufficiency. The strategy envisions a new partnership between Aboriginal people and other Canadians; the long term goal is to work together to ensure that Aboriginal people enjoy a quality of life comparable to that of other Canadians.

36. The Government of Canada also offered the *Statement of Reconciliation* as an element of *Gathering Strength*, which acknowledged its role in the development and administration of the residential school system. To the victims who suffered physical and sexual abuse at residential schools, the Government said that it is deeply sorry. In December 2000, an apology was also delivered to the Nuu-chah-nulth people of British Columbia to demonstrate Canada's commitment to reconciliation and healing.

37. As part of *Gathering Strength*, the government committed $350 million in support of a community-based healing strategy to address the healing needs of individuals, families and communities arising from the legacy of physical and sexual abuse at residential schools. In May 1998, the Aboriginal Healing Foundation was formally launched. The Foundation was created to design, implement and manage the healing strategy, including providing financial support to eligible community-based healing initiatives that complement existing Aboriginal and government programmes. It is an Aboriginal-run, non-profit corporation which operates at arm's length from the Government, and funds proposals from First Nations, Inuit and Métis affected by the legacy of physical and sexual abuse in the residential school system. As of May 2001, 2008 applications had been received by the Foundation. Of these, 463 have been approved and funded, 161 are conditionally approved, awaiting signed agreements, and over 300 more are currently being processed.

38. The priorities outlined in *Gathering Strength* were refined with the January 2001 *Speech From the Throne*, which outlined a commitment to strengthening Aboriginal entrepreneurship and business expertise to bring about strong, self-sufficient Aboriginal communities. The Government pledged support for Aboriginal communities in strengthening governance, and promised to work to ensure that basic needs are met for jobs, health, education, housing and infrastructure.

39. Indian and Northern Affairs Canada (INAC) offers a range of national programmes which support greater Aboriginal participation in the Canadian economy. In May 2000, INAC

made available an additional $75 million for strategic investments in economic development for the fiscal year 2000-01 and pledged a further $25 million for the fiscal year 2001-02; increasing total funding for economic development to $100 million and approximately $120 million respectively. INAC's main approach is to work in partnership with Aboriginal people, as well as the private sector, provincial/territorial and municipal governments, and other partners to enhance First Nations and Inuit access to capital and natural resources, provide skills training and workforce experience, and assist Aboriginal businesses take advantage of economic development opportunities.

40. Since 1989, Aboriginal Business Canada, part of Industry Canada, has been dedicated to working with Aboriginal entrepreneurs to promote the development, competitiveness and success of Aboriginal business in Canadian and world markets. There are over 20,000 Aboriginal businesses in Canada, active in every sector of the economy. Aboriginal Business Canada has worked with over 5,000 firms, providing financial and non-funded support. Programme investments of over $300 million have led to an infusion of almost a billion dollars into the Aboriginal private sector. A 1996 study found that in the 1,341 firms studied, including start-ups, expansions, modernizations, and acquisitions (each with at least two full years of operation), the equivalent of 5,875 full-time jobs were provided for Aboriginal and non-Aboriginal Canadians.

41. Canada also has numerous programmes designed to promote and protect Aboriginal culture. These are detailed in Canada's report under the *International Covenant on Economic, Social and Cultural Rights.*

Treaty Issues and Comprehensive Claims

42. The Government of Canada notes the concern expressed by the Committee regarding the length of time it is taking to further define aboriginal rights to land and resources across Canada. The modern treaties negotiation process often involves the resolution of fundamentally different conceptions of the nature of Aboriginal rights held by Aboriginal groups and governments. Negotiating modern treaties includes building trust between the parties, a process which cannot occur through a hurried process. Court decisions often result in all parties re-examining mandates and changing approaches to negotiations. The items negotiated are complex and cannot be concluded in a hasty or arbitrary fashion. Third party consultations and negotiations are time-consuming and necessary. Changes in government at the federal, provincial and First Nations levels occur with regularity during the negotiation process and generally slow the pace of negotiations. Finally, litigation brought on by Aboriginal groups can, under certain circumstances, result in the suspension of negotiations.

43. There are several strategies currently being used to expedite the claims settlement process, including interim arrangements and treaty related measures (tools which allow

interim access to resources or deal with critical issues that may be reflected in future treaty arrangements), and holding federal surplus crown lands for eventual inclusion in a final settlement. INAC has also initiated and supported the Negotiations Preparedness Initiative, which enhances the capacity and expertise of Aboriginal groups who have asserted a land claim to prepare for negotiations on the land and resource components of their comprehensive claim settlements.

44. In 1999, the creation of Nunavut transformed the map of Canada. One fifth the nation's land mass, Nunavut is formed from 2 million square kilometres carved out of the eastern and central sections of the vast Northwest Territories. The population of the new territory is 85 percent Inuit. The 1993 Nunavut Land Claim Agreement was a pivotal step leading to the creation of the territory. Training and development of public servants started following the implementation of the Land Claim Agreement, and such programmes continue to be a driving force in Nunavut's evolution to self-sufficiency. The Government of Canada committed about $40 million for the recruitment and skills upgrading of Nunavut public service employees.

45. In February 2001, the Government of Canada announced a long-term process to address issues raised by the decision in the Marshall case; a decision which potentially affects 34 Mi'kmaq and Maliseet First Nations in the Atlantic region. The Government of Canada, the provinces and Aboriginal peoples have met on different occasions to discuss the effects of this ruling. The proposed long-term processes would give the parties the opportunity to explore issues fundamental to their relationship, and would hopefully lead to agreements setting out the scope and nature of Mi'kmaq and Maliseet First Nations' potential rights to land, resources and self-government. The federal government continues to be open to discuss and design processes for negotiations leading to final agreements and implementation plans which would address the circumstances, needs and interests of all involved parties. A complementary initiative is being carried out by Fisheries and Oceans Canada (DFO) to facilitate the immediate participation of First Nations affected by the Marshall decision in the commercial fishery.

46. The British Columbia Treaty Commission (BCTC) - an impartial, arms-length organization responsible for co-ordinating treaty negotiations - continues to operate and provide dispute resolution assistance when requested. The treaty negotiation process is open to all First Nations in British Columbia, and there is no requirement for a First Nation to demonstrate continuing use of resources in order to begin negotiations.

47. To date, 53 First Nations (127 Aboriginals groups), representing over 70 percent of BC's Aboriginal population, are negotiating treaties. Of these, four are in early stages of negotiations, four are negotiating a framework agreement, 43 are negotiating an agreement-in-principle, and one is in negotiations to finalize a treaty. In March 2001, two First Nations, the Nuu-chah-nulth Tribal Council and the Sliammon First Nation,

initialled agreements-in-principle with Canada and British Columbia, but community votes held after initialling did not support ratification.

48. The BCTC's most recent annual report indicates that while there is a solid foundation for treaty making in British Columbia, urgent action is necessary if treaty making is to survive growing public skepticism, First Nation's disapproval and a province-wide referendum on the British Columbia government's guiding principles for treaty negotiations. The BCTC has called for an "incremental approach" to treaty-making in British Columbia in which all parties would negotiate more interim protection measures, intensify high level talks on major issues common to all tables, negotiate "slim" agreements in principle, give priority to governance initiatives, and allow First Nations "time-outs" to develop their governance and vision. All parties to the BC treaty process announced that these recommendations would form the starting point for discussions on how to reinvigorate the process.

49. Progress on comprehensive claims is also being made elsewhere. Fourteen comprehensive claim agreements have been signed since the announcement of the federal government's claims policy in 1973. In 2000, Royal Assent was given to the *Nisga'a Final Agreement*. This agreement sets aside 2,019 square kilometres of the Nass River Valley in British Columbia as Nisga'a Lands and establishes a Nisga'a Central Government with jurisdiction similar to that of other local governments. The Nisga'a will own and have rights to natural resources, and will receive $253 million over 15 years. The land and resource components of the Agreement, combined with enhanced local decision-making powers, will allow the Nisga'a to be more self-reliant and participate more fully in the economy.

Specific Claims

50. A specific claim exists when a First Nation establishes that its grievance gives rise to a lawful obligation through: the non-fulfilment of a treaty or another agreement between First Nations and the Crown; the breach of an *Indian Act* or other statutory responsibility; the breach of an obligation arising out of government administration of First Nation funds or other assets; or, an illegal sale or other disposition of First Nation land by government.

51. Settling specific claims brings long-term benefits to both First Nation members and their neighbours. The cash and sometimes land and cash settlements enable First Nations to strengthen the social and economic well-being of their communities, encouraging investment and promoting development both on First Nation lands and in surrounding communities. Between June 1997 and May 2001, there were 55 specific claims settled at a value of $394.5 million. Within that group of 55 claims, there were settlements involving 332,000 hectares of land.

Self-Government

52. The Government of Canada continues to act on the premise that the inherent right of self-government is an existing Aboriginal right within section 35 of the *Constitution Act, 1982*, and continues to negotiate self-government arrangements with Aboriginal groups across the country, either as part of the comprehensive claims process or as a distinct negotiation process. As examples, self-government agreements-in-principle have been signed between Canada and: Manitoba and the Sioux Valley Dakota Nation; Saskatchewan and the Meadow Lake Tribal Council and the Meadow Lake First Nations; and a self-government agreement has been completed with the Westbank First Nation in British Columbia. Progress has also been made with the Federation of Saskatchewan Indian Nations and the Nunavik Commission (Nunavik is Quebec's arctic region, and its inhabitants include Inuit, Naskapi and Cree).

Aboriginal Peoples and the Justice System

53. The Diversity and Gender Equality Office of the Department of Justice collaborated with the Métis National Council of Women, Pauktuutit Inuit Women's Association, and the Native Women's Association of Canada to convene the first Aboriginal Women's Justice Consultation. It was funded by the federal Voluntary Sector Initiative and was held in September 2001. The Consultation focused on five areas: a gender analysis update from key federal departments in terms of the impact on Aboriginal women; restorative justice; treatment of Aboriginal peoples by the justice system; family law; and a model of Strategic Planning based on Aboriginal values.

54. The Government of Canada is working in partnership with Aboriginal communities, the provinces and territories, to help ensure a fundamental long term change in the relationship between Aboriginal people and the criminal justice system. To that end, the federal government has enacted sentencing principles that recognize the disproportionate impact of the criminal justice system on Aboriginal peopie. The need for this reform has been acknowledged by the Supreme Court of Canada in *R. v. Gladue* [1999] 1 S.C.R. 688 and *R. v.Wells* [1998], 125.c.c.c, which call on courts to consider alternatives to imprisonment with particular attention to be given to Aboriginal offenders. A continuum of federal responses has been developed to address the disproportionate rates of crime, incarceration and victimization experienced by Aboriginal people in Canada. The Aboriginal Justice Initiative (AJI) (approx. $22 million), followed by the Aboriginal Justice Strategy (AJS), and the Native Courtworkers Program (NCW) (approx. $38 million) are key elements of the federal response.

55. Through strong federal-provincial-territorial partnerships, the AJS currently supports 90 cost-shared, community-based justice programmes that serve over 280 communities. These programmes fall into the categories outlined below.

56. Diversion/Alternative Measures Programs: allows people to take responsibility and accept consequences for their wrongful behaviour, while at the same time removing them totally or partially from the aspects of the criminal justice system which can have long-term stigmatizing and marginalizing effects. Police and/or Crown decide whether to divert a case. Diverting Aboriginal offenders into a community process allows for more culturally appropriate remedies or sanctions for the offences.

57. Family Group Conference: has emerged in Canada as a credible, reparative justice process for communities affected by crime. Primarily used to date for youth, family group conferences bring together in a circle the victim, offender and as many members of their family and supporters as possible, along with relevant professional or community workers. Conferences provide a forum to deal with people's unanswered questions, painful emotions, the issue of accountability and the question of restitution or reparation. Generally speaking, satisfaction on the part of justice professionals and communities is much higher compared to their experience in the courts.

58. Community Sentencing Programs: Circle Sentencing usually provides for a community-based, pre-sentence advisory process with strong reparative and restorative focus. Once there has been a finding or admission of guilt, community members sit in a circle with the judge, prosecutor, defence counsel, police and other service providers to discuss sentencing options and plans to reintegrate the offender back into the community. Community members usually include the accused, victim, their families, Elders and other interested citizens. So far Sentencing Circles in Aboriginal communities have been used with adults more than with young offenders. They can deal with quite serious criminal offences such as manslaughter or armed robbery where a jail term may or may not be imposed. The objectives of Sentencing Circles include restitution to the victim, reparation to the community, responsibility being accepted by the offender, reintegration of the offender into the community and prevention of recidivism.

59. Mediation: Victim/offender mediation programmes provide a unique opportunity for offenders to meet their victims face-to-face in the presence of a trained mediator. The parties have an opportunity to talk about the crime, to express their feelings and concerns, to get answers to their questions, and to negotiate a resolution. Mediators do not impose settlements. The process is meant to empower communication between both parties. In many situations, mediation can be an alternative to the courts and to custody, used as a means of resolving the issues that arise from criminal behaviour. Frequently, it is experienced as more satisfying, more inclusive and more relevant than imprisonment. However, mediation is also used in addition to, during or following incarceration in order to address the needs of those affected by the crime which are not addressed by imprisonment.

60. First Nations Courts: A First Nations Magistrates Court is designed to redress problems that have been identified in the administration of justice in First Nations communities. These problems include language and cultural barriers, and delay. The court is presided over by an Aboriginal magistrate. Accused persons who appear in court are addressed in their own language. The atmosphere of the court is less formal and community participation is encouraged. In some communities, the court is opened with an Elder reciting a traditional prayer. The Magistrates Court has jurisdiction to hear guilty pleas on certain offences including to take guilty pleas and make dispositions on provincial, by-law, *Indian Act* and Band by-law offences; hear applications pursuant to s515 of the *Criminal Code* (judicial interim release); hear applications pursuant to s.499(3) and s.503(2.2) of the *Criminal Code* (application to a justice to replace an undertaking before a peace officer or officer in charge); make consent orders pursuant to s.810 of the *Criminal Code*. The First Nations Magistrates Court has been well received and has helped streamline and complement the provincial court system. Delays on the previous circuit court for some cases took up to a year and a half to resolve, now most charges are dealt with within 2 – 6 months. There are two such community-based models in Canada: one on the Tsuu T'ina reserve in Alberta, and the other as part of a tripartite initiative of Manitoba Keewatinowi Okimakinak, and the governments of Manitoba and Canada.

61. The Gladue (Aboriginal Persons) Court in Toronto, Ontario was created after a group of judges, academics, and community agencies met to discuss how to meaningfully develop a response to the *Gladue* decision at the Old City Hall Courts in Toronto, the busiest court in Canada. This Court performs the same activities as any other court at Old City Hall, although it offers all of them in one court: bail hearings/variations, remands, trials and sentencing. What distinguishes the court is that those working in it have a particular understanding and expertise of the range of programmes and services available to Aboriginal people in Toronto. This expertise will allow the court to craft decisions in keeping with the directive of the Supreme Court in *Gladue*.

62. The Aboriginal Justice Learning Network (AJLN) is a bridge between the mainstream justice system and Aboriginal communities. It provides forums for Aboriginal communities to share ideas and stay informed about developments that contribute to the creative solutions relating to their issues. It also provides the training and cross-cultural awareness which is essential for police, judges and other key players in the mainstream justice system.

63. The Native Court Workers Program (NCW) assists Aboriginal people involved in the criminal justice system by helping them to understand the law, the nature of the charges against them, and to seek required services. The programme also responds to communication barriers between Aboriginal people and those who are involved in the administration of the criminal justice system. Under the NCW, 11 of 13 jurisdictions

cost-share non-legal advice and assistance to Aboriginal accused in the criminal justice system.

Diversity, Equality and Justice.

64. In May 1996, ministers responsible for justice requested that all justice proposals brought before them routinely incorporate considerations of the potential impact of justice initiatives on diverse communities in Canada. Consequently, the Federal-Provincial-Territorial Working Group on Diversity, Equality and Justice was created. Its mandate encompasses that of its predecessor, the Working Group on Multicultural and Race Relations. The scope of the work was expanded to consider, as well, the concerns of individuals who belong to one or more groups that frequently experience disadvantage in their dealings with the justice system. Consequently, in addition to ethnocultural, racial and religious minorities, the Working Group is concerned with the needs of women, Aboriginal peoples, persons with disabilities, children and youth, seniors, refugees, recent immigrants, persons living in poverty, homosexual and bisexual persons, transgendered persons, and persons with low levels of literacy. During the reporting period, the Working Group provided diversity group analysis for initiatives and issues considered at the federal-provincial-territorial meetings of senior Justice officials. A number of policy documents and research reports were also produced on a variety of topics, including the legal needs of ethnocultural women, and hate-motivated crimes.

65. Between 1997-1998 and 2000-2001 the Department of Justice funded 11 projects that address issues of racial discrimination as they relate to the justice system. These included projects that: supported the continuing education of judges on issues arising from the diversity of Canadian society; addressed a variety of issues of importance to visible minorities entering the legal profession; increased awareness in the legal profession of the existence and effects of racial inequality in the justice system; developed a resource kit for intermediaries and police; and developed plain language employment equity materials to address barriers to employment based on race and remedies for discrimination.

66. In February 2000, the Department of Justice created the Diversity and Gender Equality Office. An essential part of the mandate of the Office is to facilitate the integration of diversity and gender equality analysis in all the work of the Department. In addition to carrying out the analysis for the Department, the Office developed a training programme, based on the National Judicial Institute model, to institutionalize such practices throughout the Department.

Issues pertaining to Aboriginal Women

67. The federal government recognizes there is a legislative gap in the *Indian Act* with regard to the issue of matrimonial property, and acknowledges the Committee's concerns. The *Indian Act* is silent on the use, occupation and possession of land - including the matrimonial home - and does not speak to the division of interests in land on reserve in case of a marital breakdown. In addition, the provinces, which normally have jurisdiction over such marital issues, may not validly legislate concerning land within the federal competence, such as Indian reserves.

68. The Government of Canada remains committed to finding a practical solution to this issue. Consultative processes and research on this issue are currently underway. It is hoped that the results of this research will identify concrete options to resolve this issue through legislation or policy development.

69. One such option is contained in the *First Nations Land Management Act* (FNLMA), passed in June 1999. This legislation provides the framework to enable the 14 signatory First Nations to establish their own land management regime and take over the administration and management of their reserve lands. The FNLMA includes provisions to address the issue of matrimonial real property. The signatory First Nations have agreed to establish community processes to develop rules and procedures to deal with matrimonial property within 12 months from the date the land code takes effect. In essence, the First Nations community itself will develop the land codes and procedures. Theses codes must address the issue of division of matrimonial real property and they cannot discriminate on the basis of sex.

70. While the FNLMA is intended at this time to apply only to the 14 participating First Nations, Canada is open to considering its application to other interested First Nations.

71. The objective of the Aboriginal Women's Program of the Department of Canadian Heritage is to enable Aboriginal women to influence policies, programmes, legislation and decision making that affect their social, cultural, economic and political well-being within their own communities and Canadian society while maintaining their cultural distinctiveness and preserving cultural identity. There are two components to the Aboriginal Women's Program:

- The Family Violence Initiative enables Aboriginal women to address violence-related issues within the nuclear as well as extended family within Aboriginal communities.

- The self-government initiative enables Aboriginal women to participate fully and equitably in the consultations and decision-making process.

Status of Women Canada

72. Status of Women Canada's Policy Research Fund, whose primary objective is to support independent, nationally-relevant, forward-thinking policy research on gender equality issues, has produced a number of research documents addressing the issue of gender and race in Canada. Topics cover such issues as aboriginal and immigrant women. The research published under the Policy Research Fund is distributed free of charge to interested constituents, public and university libraries and other locations, in both official languages. As well, documents are available on the Internet throughout Status of Women Canada's website http://www.swc-cfc.gc.ca/pubs/pubsalpha_e.html and in alternate formats upon request.

73. In the reporting period, the Women's Program of Status of women Canada has provided an average of $775,000 annually, in support of some 30 initiatives in each of these years, to address the particular concerns of immigrant, refugee and visible minority women. For example, funding was provided to the Philippine Women Centre of British Columbia for an initiative to examine the policies and practices of the provincial nurses' association, nurses' union, public and private nursing educational institutions and recruitment and service agencies and to bring about internal change to correct identified discrimination. Also, funding was provided to the Caribbean Association of Peel to undertake a participatory research initiative to assess the social, health and economic issues of disadvantaged Caribbean and other visible minority women in the Peel region. Funding was also provided to the Canadian Council of Muslim Women for the production of a resource kit to explore critical issues facing young Muslim women in Canada, including racism within and outside the Canadian Muslim community.

Employment Equity

74. The new *Employment Equity Act* (EEA), which came into force on October 24, 1996, applies to the federal Public Service as well as private-sector employers under federal jurisdiction and Crown corporations with 100 employees or more. Detailed information on this Act is provided in the 13th/14th Report.

75. As employer of the federal Public Service, the Treasury Board has obligations under the *Employment Equity Act*. Through its Secretariat, it works closely with departments to effectively implement employment equity in the Public Service of Canada by removing barriers to the participation of persons from the designated groups - Aboriginal persons, members of visible minority groups, persons with disabilities and women. This includes providing support for initiatives aimed at improving representation and creating an inclusive work environment.

76. Between 1997 and 2001, the representation of Aboriginal Peoples and Persons in a visible minority group in the Public Service evolved as follows:

	March				
	1997	**1998**	**1999**	**2000**	**2001**
Aboriginal Persons	4,551 (2.4%)	4,770 (2.7%)	5,124 (2.9%)	4,639 (3.3%)	5,316 (3.6%)
Persons in a Visible Minority Group	8,690 (4.7%)	9,260 (5.1%)	10,557 (5.9%)	7,764[4] (5.5%)	9,143 (6.1%)

77. The Special Measures Initiatives Program (SMIP) mentioned in Canada previous reports ended on March 31, 1998. However, there was still a need for support programmes for employment equity within the federal Public Service to ensure that it would be successfully implemented across departments and agencies. As a result, Treasury Board Ministers approved the Employment Equity Positive Measures Program (EEPMP) on October 8th, 1998, as a four year programme, to assist departments and agencies in meeting their obligations under the *Employment Equity Act*. The EEPMP, like the SMIP, was a temporary programme which provided project funding from a $10 million annual budget as a catalyst for eliminating employment barriers and for building institutional capacity to support employment equity in the federal Public Service. This programme built on the successes and lessons learned from the SMIP but with a stronger regional focus, emphasis on cost-shared departmental projects and a new governance structure under Treasury Board Secretariat. The EEPMP came to an end on March 31, 2002.

78. A Task Force on an Inclusive Public Service was announced on December 14, 1998 by the President of the Treasury Board and concluded on May 31, 2000. Its mandate was to provide advice on the way to create a federal Public Service representative of the population it serves and of the Canadian labour force and it has been credited with starting a dialogue about the federal Public Service's corporate culture.

79. In 1999, the Task Force on the Participation of Visible Minorities in the Federal Public Service was established to take stock of the situation and formulate a government wide action plan with benchmarks and follow-up mechanisms. During 1999-2000, it consulted extensively with key stakeholders inside and outside the federal public service and developed an action plan. In June 2000, the Government of Canada endorsed the action plan, entitled *Embracing Change in the Federal Public Service*, and began implementing

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[4] Between 1999 and 2000, the total number of federal public employees decreased by 39,625, mostly as a result of Revenue Canada becoming a separate employer, i.e. the Canada Customs and Revenue Agency.

the plan within a results-based framework. The goal was to transform the public service into an institution that reflects the diversity of Canada's citizens and attracts them to its service. The action plan outlined six broad categories in which representation and participation of visible minorities will be addressed, including external recruitment, career development and advancement, and changing corporate culture.

80. Financial support of up to $10 million annually for three fiscal years concluding in March 2003 has been provided to help in implementing the Embracing Change action plan. The Employment Equity - Embracing Change Support Fund is administered by the Treasury Board Secretariat and supports initiatives that will improve the representation and retention of members of a visible minority group in the federal Public Service. Federal departments and agencies have been undertaking special initiatives to implement the *Employment Equity Act* and Embracing Change.

81. As the official recruiter for the federal public service, the Public Service Commission (PSC) has assisted federal departments and agencies in integrating employment equity, Embracing Change, and diversity as part of good human resources management and business planning. For example, the PSC has helped 21 federal departments and agencies develop special employment equity programmes to facilitate recruitment from diverse populations. In addition, the PSC, working with departments, has created several diversity development programmes. For example, a national competition to appoint members of visible minorities to the Career Assignment Program (CAP) was launched, the Accelerated Aboriginal Program was developed as a pilot programme of CAP, and the Accelerated Executive Development Program (AEXDP) will develop visible minority candidates for entry into senior ranks of Government. The PSC is also ensuring its assessment instruments do not contribute to adverse impact in selection when used to assess members of Employment Equity groups.

82. The Aboriginal Workforce Participation Initiative (AWPI) continues to promote and support initiatives for the recruitment of Aboriginal employees by the private and public sectors. AWPI is responsible for making more than 10,000 employers aware of the advantages of hiring Aboriginal people. A thorough consultation process with employers and Aboriginal groups was undertaken and resulted in the *Aboriginal Workforce Participation Initiative Employer Toolkit* (national version), which comprehensively addresses Aboriginal employment issues. It enables employers to build their own approach to Aboriginal employment based on proven practices and sound business considerations.

83. The *Employment Equity Act* provides for a statutory review five years after coming into force. This review started in late 2001 and will assess the effectiveness of the Act and whether there is a need for any legislative or regulatory amendments to facilitate reaching employment equity goals.

84. The Act confers on the Canadian Human Rights Commission the mandate of verifying that it is being applied by employers. To that end, the Commission conducts audits. If employers are not in compliance, the Commission negotiates with them so that they will undertake to rectify the deficiencies within a reasonable time. If they fail to comply within the established time frame, the Commission may issue a direction and, if the direction is not complied with, may refer the matter to a hearing before an administrative tribunal. The decisions of that tribunal may then be made enforceable by the Federal Court.

85. The Canadian Human Rights Commission began its compliance audit work in October 1997. A total of 354 compliance audits were initiated at 215 employers. Of these 215, 73 are now known to be in full compliance. Audits now extend to more than 80 percent of employees covered by the Act. The remaining 261 employers left to be audited account for only about 20 percent of the workforce covered by the Act. In the public sector, nearly all employees (97 percent) are covered by compliance audits.

86. In general, the Commission has noted that most employers are not in compliance with the Act at the time of the audit; however, more than 80 percent of them willingly cooperate when the Commission conducts an audit and requires that they take measures to become compliant. The Commission needs to take measures in enforcing the Act in only a minority of cases.

87. Industry Canada underwent an audit by the Canadian Human Rights Commission in the summer of 2000. As a result, the department was required to conduct a workforce analysis to determine representation of its designated groups at all levels within the organization, and to conduct an employment systems review, to determine if there are any systemic or attitudinal barriers for the equitable representation, development and advancement of its designated groups. These two activities have recently been completed and the findings will be analyzed and appropriate follow-up activities will be incorporated into the department's three-year action plan currently being developed.

88. In February 2001, Privy Council Office (PCO) Senior Managers agreed that executives with hiring responsibilities should incorporate employment equity related objectives in their 2001-2002 performance agreement. This decision came about as a result of the on-site visit by the Canadian Human Rights Commission in October 2000 which produced a report requiring PCO to enhance the Employment Equity Action Plan. In March 2001, PCO launched three new corporate policies on : employment equity and diversity; workplace accommodation; and prevention and resolution of conflict and harassment in the workplace. PCO completed all undertakings established by the Canadian Human Rights Commission and was recently found compliant with the Act.

89. Canadian International Development Agency (CIDA) was found to be in full compliance with the *Employment Equity Act* in the December 2000 audit by the Canadian Human Rights Commission. The number of visible minority and Aboriginal employees at CIDA surpasses the labour market availability levels required by Canada's employment equity guidelines.

90. In 1995, the *Employment Equity Act* was amended to include the Canadian Forces (CF). Regulations making the Act applicable to the unique conditions of the CF have been written and are expected to receive an Order In Council shortly. In the meantime, the CF conducts itself as if already subject to the provisions of the Act. A Canadian Forces Employment Equity Plan was released in December 1999 and a Self-Identification Census has been administered to the entire Canadian Forces, both Regular and Reserve. A detailed workforce analysis will be completed in 2002 that will identify where members of designated groups (women, aboriginal persons, visible minorities and persons with disabilities) are facing employment barriers. The current census not only includes military but will continue to collect data for new personnel who are enrolled into the CF. In this way, the CF will be able to identify and respond more rapidly to changing demographics.

91. In preparation for the formal inclusion of the Royal Canadian Mounted Police under the *Employment Equity Act*, an Employment System Review on Regular Members has been conducted. Barriers to both the numbers of members of the designated groups (women, Aboriginal peoples and visible minorities) and their distribution within the rank structure have been determined. Subsequent action in the form of an Employment Equity Implementation Plan is under-way.

Immigrants

92. Canada supports the accommodation of newcomers, their diverse backgrounds and cultures by encouraging a process of mutual adjustment by both newcomers and society. Integration of newcomers into Canadian society is a two-way process; newcomers are expected to understand and respect basic Canadian values, and society is expected to understand and respect the cultural differences newcomers bring to Canada. Rather than expecting newcomers to abandon their own cultural heritage, the emphasis is on finding ways to integrate differences in a pluralistic society.

93. Citizenship and Immigration Canada's settlement programmes and services assist immigrants in becoming participating and contributing members of Canadian society and promote an acceptance of immigrants by Canadians. While helping newcomers adapt and learn about their rights, freedoms and responsibilities and the laws that protect them from racial discrimination, settlement programmes also sensitize Canadians to different cultures and how diversity strengthens community life.

94. The Host Program matches newcomers with volunteers who help them learn about available services and how to use them, practice their language skills, develop contacts in their employment field, and participate in community activities. In return, Host volunteers learn about other cultures and develop an appreciation of diversity.

95. The Language Instruction for Newcomers to Canada (LINC) programme provides basic training to adult immigrants in one of Canada's official languages. Curricula, which are developed and used by the organisations delivering the language training, include specific modules on newcomers' rights, freedoms and responsibilities and the laws that protect them from discrimination.

96. The Immigrant Settlement and Adaptation Program (ISAP) provides funds for the delivery of services to newcomers, including reception, referral to community resources, community information/orientation, interpretation and translation, paraprofessional and employment-related services. ISAP-supported agencies are also provided with funding for staff training to develop cultural competence and sensitivity.

97. Citizenship and Immigration's approach to policy and programme development is grounded in engagement of stakeholders (government, NGOs and researchers). The Department has, over the reporting period, undergone an extensive consultative process in the development of its revised legislation, the *Immigration and Refugee Protection Act*. The new Act came into force in June 2002, with objectives including articles:

> 3(b) to enrich and strengthen the social and cultural fabric of Canadian society, while respecting the federal, bilingual and multi-cultural character of Canada;
> 3(e) to promote the successful integration of permanent residents into Canada, while recognizing that integration involves mutual obligations for new immigrants and Canadian society.

98. Citizenship and Immigration Canada (CIC) conducts and supports ongoing multi-disciplinary research via initiatives such as Metropolis, and, at the officials and analyst level, incorporates consideration of national and international past practices into its policy and programme formation. The Department participates in or cooperates with various multi-lateral agencies with migration and human rights concerns, including the International Organization for Migration, the International Committee for Migration Policy Development, the Inter-Governmental Consultations on Asylum, Refugee, and Migration Policy, and the International Criminal Tribunal for the Former Yugoslavia. In all consultations, Canada takes a progressive position on eliminating racial discrimination from policies and programmes.

99. CIC has also worked to advance horizontal policy research on immigration and diversity issues through the Government of Canada's Policy Research Initiative (PRI). In

particular, CIC has been a key member of the PRI's Social Cohesion Network, which is currently led by the Department of Justice and the Department of Canadian Heritage. In November 2000, as part of the Network's workshop series on the theme of "What Will Hold Us Together?", CIC hosted a workshop entitled "Immigration, Ethnic Diversity, and Social Cohesion". The workshop featured the results of research on barriers to the economic and social integration of immigrants and refugees to Canada, and examined the question of whether increasing ethnic diversity was a potential "fault line" for social cohesion. In October 2001, CIC co-sponsored a workshop with the Department of Canadian Heritage on "Social Cohesion and Citizenship: How Diversity is Changing the Parameters of Belonging", which examined factors of community belonging, changing conceptions of identity, and the idea of social citizenship. Both workshops were well attended and provoked a vigorous discussion within the federal policy research community on emerging issues.

Integrative Programmes for Women Refugees and Immigrants

100. The Gender Based Analysis Unit was established in 2000 as the department's focal point for formalizing the integration of gender analysis into CIC's legislative and regulatory processes, policies and programmes. The *Immigration and Refugee Protection Act* and regulations underwent a preliminary assessment for their potential differential impacts on men and women, and different groups of men and women based on race, ethnicity and country of origin, that will be monitored over time. In addition, the GBA Unit provides gender analysis training to policy and programme officers within CIC, which includes sensitivity to the intersection of gender, race and diversity.

101. Good official language skills are essential for effective and rapid integration. About $204 million is devoted to language instruction for adult newcomers to Canada, which includes free quality child care services and transportation costs to help parents for whom language training would otherwise be inaccessible. Service providers are encouraged to offer a whole range of full-time/part-time, evening, weekend classes, home study and other innovative initiatives in order to serve the needs of all immigrants. This is of particular importance to women who often carry the greater share of responsibility of care for children and may therefore have additional challenges accessing language training.

Training of federal law enforcement officials in the protection of human rights

102. At the Royal Canadian Mounted Police (RCMP), the issues of training law enforcement officials in the area of diversity and human rights are very important. The dorm environment of the Cadet Training Program (CTP) itself is a lesson in living cultural diversity. Cadets live and work with a diverse group of people including many from different ethnic backgrounds. For example in one troup of 24 cadets an informal survey

had revealed that half of the cadets were of different ethnic backgrounds (non-European) and in combination spoke over 14 different languages other than English and French.

103. The entire training programme is based on community-based policing principles and the CAPRA (Clients - Acquiring & Analyzing Info - Partnerships - Response - Assessment) problem solving model. The core of the CAPRA problem solving is the recognition of the unique and diverse expectations of different communities and the need to adapt to meet their specific needs. All training given during the 22 weeks of the CTP encompasses these principles.

104. Some modules of the CTP emphasize cultural diversity more than others. This emphasis is found in the following modules:

- Module I session 9 - Simulation exercise called Ecotonos, which emphasizes effectively participating in a problem solving session in a culturally diverse group.
- Module I sessions 12 and 13 - Emphasizes the Canadian human rights legislation and is currently taught by a professor from the University of Regina who, among other qualifications, was once the Ombudsman for the Saskatchewan Government.
- Module 7 sessions 13 and 14 - These two sessions address issues in providing policing services to people with physical and mental disabilities. The sessions are complemented by guest speakers who are subject matter experts.
- Module 12 sessions 1, 2 and 3 - These sessions focus on Hate Crime Legislation as per the *Criminal Code*. These sessions are also complemented by guest speakers who are subject matter expert.
- Module 13 sessions 2 and 3 - Focus on issues unique to Aboriginal communities and normally are taught in partnership with representatives from the Aboriginal community.
- Module 13 sessions 4, 5 and 6 - Focus on area of civil disobedience and appropriate policing responses to this area.
- The *Canadian Charter of Rights and Freedoms* is covered thoroughly throughout the CTP.

105. As part of a general effort to provide effective policing to Aboriginal communities and to reduce tensions, the National Aboriginal Police Services of the RCMP has developed a comprehensive training programme for law enforcement officers. The purpose of the programme is to help officers to understand better the Aboriginal way of viewing the

world. The emphasis is on knowledge acquisition, on the evaluation of evidence, the drawing of warranted conclusions, and the cultivation of a reasonable and just outlook.

106. The Aboriginal Perceptions Program contains six modules. The first, Aboriginal People and the Canadian Justice System, deals with Aboriginal concepts of law and justice; the current realities/impact of Canadian justice on First Nations; current aboriginal justice initiatives; and the role of healing. The second module, The Unique Position of Aboriginal People in the Canadian Law, examines Aboriginal titles, legislative authority of the Federal Parliament, and treaty rights. The third identifies the central issues in First Nations treaty and land entitlement claims. The fourth explores the consequences of the Canadian school system on Aboriginal perceptions. Module five deals with Cultural Factors Influencing Our Perceptions and module six with an Aboriginal Order Government. Since January 2000, this five day programme has been offered to sixteen groups of members of the RCMP and officials of the Department of Justice. Implementation is on-going depending on the availability of resources.

107. Canada Custom and Revenue Agency provides training to their inspectors on diversity and human rights, which includes multiculturalism, diversity, cultural awareness of the various groups in Canada and anti-racism.

Canadian Forces

108. The *Canadian Charter of Rights and Freedoms* and the *Canadian Human Rights Act* are fully applicable to the Canadian Forces (CF). Through the auspices of the CF Human Rights Plan, regulations and policy are continuously monitored for compliance. Several programmes target racism, either solely or as a component of other anti-discrimination measures.

109. The Department of National Defence (DND) and the Canadian Forces promulgated a harmonized Harassment Prevention and Resolution Policy in December 2000, which was developed over the course of several years. The aim of this initiative was to promulgate a policy and implementation procedures relating to harassment, which is defined as improper behavior by military members and civilian employees that is directed at, or is offensive to another person in the DND/CF workplace. Harassment within the meaning of the *Canadian Human Rights Act*, which covers discrimination on the basis of race, is also dealt with under this policy. The emphasis of the policy is on harassment prevention and the responsibility of all individuals to maintain a harassment-free work environment. Also emphasized are the early resolution of harassment situations when they occur and the use of Alternate Dispute Resolution techniques over administrative investigations

110. Additionally, the CF has initiated a review of the current Policy on Racist Conduct, which dates from 1996. The aim of this review is to ensure that the policy fully meets present

legal requirements and societal expectations in an attempt to eradicate racist conduct from the CF. The review will also examine the reporting procedures for incidents of racist conduct to ensure that the chain of command is in receipt of the appropriate information in a timely fashion.

111. The Defence Diversity Council was established in 1996. This senior management group establishes the strategic framework for the management of diversity across the Canadian Forces and the Department of National Defence. Under the auspices of the Defence Diversity Council, four Defence Advisory Groups (one for each designated group) continue to expand across the country, creating linkages with various groups and organizations in order to increase awareness of the CF and its commitment to the creation of an open, barrier-free workplace.

Article 3 : Action against apartheid and racial segregation

112. Canada has always denounced racial segregation and apartheid throughout the world. On November 19, 2001, the Canadian Parliament bestowed the title of Honourary Canadian Citizen on Nelson Mandela, former President of South Africa, to honour his fight against apartheid and segregation in his country.

Article 4 : Prohibition against promotion of racism

113. The *Criminal Code* of Canada continues to prohibit hate propaganda including:

- advocating or promoting genocide against an "identifiable group", that is, any section of the public distinguished by colour, race, religion or ethnic origin (section 318);
- inciting hatred against an "identifiable group" by communicating in a public place statements which are likely to lead to a breach of the peace (subsection 319(1)); and
- communicating statements, other than in private conversation, to wilfully promote hatred against an "identifiable group" (subsection 319(2)).

114. Advocating or promoting genocide is an indictable offence punishable by a maximum of five years imprisonment. The offences under section 319 of the *Criminal Code* of inciting or wilfully promoting hatred are dual procedure offences, punishable by two years imprisonment on indictment and up to six months imprisonment and/or up to a $2,000 fine when proceeded by way of summary conviction. In addition, the *Criminal Code* provides for the seizure and forfeiture of hate propaganda kept on premises for

distribution or sale (subsection 320(1) and (4)). Except for the offence provision of publicly inciting hatred, the consent of the relevant Attorney General is required to obtain a seizure warrant or to initiate a prosecution under the hate propaganda provisions of the *Criminal Code*.

115. Paragraph 718.2(a)(i) of the *Criminal Code* provides that if there is evidence that an assault, damage to property, threatening, harassment or any other criminal offence was motivated by hate, bias or prejudice based on race, national or ethnic origin, language, color, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor, it is an aggravating factor for the purposes of sentencing (i.e., it should result in a more severe sanction). Paragraph 718.2(a)(i) of the *Criminal Code* contains a broader definition of grounds than the definition of "identifiable group" contained in subsection 318(4) of the *Criminal Code* for the purposes of the hate propaganda offences.

116. With regard to the Internet, existing statutory provisions are considered applicable where the hatred is communicated through that medium (subject to jurisdictional/territorial concepts relevant to the application of Canada's criminal law).

117. In December 2001, the Canadian Parliament passed legislation that included three relevant measures:

- An amendment to the *Criminal Code* to authorize a judge to order deletion of hate propaganda from the Internet, when the hate propaganda is stored on and made available to the public through a computer system that is within the jurisdiction of the court;

- An amendment to the *Criminal Code* to create an offence of mischief in relation to religious property or an object associated with religious worship, if the commission of the mischief is motivated by bias, prejudice or hate based on religion, race, colour or national or ethnic origin. This offence is punishable with a maximum of 10 years of imprisonment; and

- An amendment to the *Canadian Human Rights Act* to clarify that the prohibition against spreading repeated hate messages by telephonic communications includes all telecommunications technologies.

118. Amendments to the *Canadian Human Rights Act* came into force on June 30, 1998, to allow victims specifically identified in hate messages to receive compensation. The individuals responsible for disseminating hate propaganda may also be ordered to pay a penalty of up to ten thousand dollars.

119. The Canadian Human Rights Tribunal has been looking into allegations that material posted on the Internet by Ernst Zündel could expose Jews to hatred or contempt on the basis of their race, religion and ethnic origin. Procedures began, but have been delayed by various legal challenges by the respondent. In January 2002, the Human Rights Tribunal concluded that hate has no place in Canada. In its decision, the Tribunal ordered that the hate messages be removed from the site and concluded that the site created conditions that allow hatred to flourish. In its view, the "tone and expression of these messages is so malevolent in its depiction of Jews, that we find them to be hate messages within the meaning of the Act." (*Citron v. Zündel*, D.T. 1/02 2002/01/18).

120. In February 1998, the Commission asked the Canadian Human Rights Tribunal to look into a case dealing with alleged hate messages against Muslims. The Islamic Information and Da'wah Centre International of Toronto filed a complaint against Mark Harding and his organization, Christian Stands. It alleged that the respondent transmitted telephone messages that expose Muslims to hatred and contempt, contrary to section 13 of the *Canadian Human Rights Act*. The Da'wah case was settled on March 30, 1999. The respondent agreed to cease and desist the site now and in the future.

121. Data on hate propaganda offences, ss. 318 and 319 of the *Criminal Code*, are to some extent available from the Revised Uniform Crime Reporting (UCR2) Survey and the Adult Criminal Court Survey (ACCS). The Canadian Centre for Justice Statistics (CCJS), of Statistics Canada, maintains both of these surveys. The data are limited and do not provide a good measure of the actual level of activity. However, when it comes to statistics on hate crime in Canada, there is not much beyond what CCJS can provide.

122. The Revised Uniform Crime Reporting (UCR2) survey reports only according to the most serious offence in the case. Offences under ss. 318 and 319 would not be reflected in the statistics if there were a more serious offence associated with that case.

123. The Adult Criminal Court Survey (ACCS) collects and reports information on the number of charges and cases appearing before Adult Courts on sec.318 and 319:

SECTION		**1996/97**	**1997/98**	**1998/99**	**1999/00**
318	**Charges**	1	4	0	0
	Cases	0	2	0	0
319	**Charges**	2	12	9	15
	Cases	1	3	6	10
TOTAL	**CHARGES**	3	16	9	15
	CASES	1	5	6	10

1) A "charge" is a formal accusation against an accused involving a federal statute offence.
2) A "case" is one or more charges against an accused person or corporation where the charges received a final disposition in the same court and level on the same date. (Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.)

124. In 1999/2000, most of the cases under section 319 had the charges stayed or withdrawn. In just 2 of the 10 cases under section 319 was the case resolved with a finding or plea of guilt. In both cases, the sentence received was a period of probation and not prison.

125. The Homicide Survey, maintained by the CCJS, collects a number of incident, victim and offender characteristics in relation to homicides. Hate crime is listed as one possible motive, though, in general, the specific motivation for a homicide is difficult to determine. Since 1991, police have flagged 15 homicides as hate-related in Canada. In 2000, two hate-related homicides were reported.

126. The *Crimes Against Humanity and War Crimes Act* came into force on October 23, 2000. This Act serves two purposes: to implement the *Rome Statute*[5] through the establishment of a domestic criminal and administrative regime to complement the International Criminal Court, and to strengthen Canada's legislative foundation for the prosecution of genocide, war crimes and crimes against humanity. The Act empowers Canadian courts to exercise jurisdiction over individuals accused of involvement in the commission of genocide, crimes against humanity and war crimes, as well as the crime of breach of command responsibility. It also enables the prosecution of individuals for offences against the administration of justice of the International Criminal Court and proceeds of crime offences.

Article 5 : Equality before the law

127. Under the *Canadian Human Rights Act* (CHRA), first proclaimed in 1977 and amended in 1996, it is against the law for any employer or provider of service that falls within federal jurisdiction to make unlawful distinctions based on the following prohibited grounds: race, national or ethnic origin, colour, religion, age, sex (including pregnancy and childbirth), marital status, mental or physical disability (including previous or present drug or alcohol dependence), pardoned conviction, or sexual orientation.

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[5] *Rome Statute for an International Criminal Court*, as adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, July 17, 1998, and as corrected by the Procés-verbaux of 10 November 1998 and 12 July 1999, UN Doc. A/Conf. 183/9, 1998 (hereinafter *Rome Statute*).

128. As part of its commitment to strengthen the *Canadian Human Rights Act* to ensure that it is effective in protecting and promoting human rights in a timely and efficient manner, on April 8 1999, the Minister of Justice announced the establishment of an independent panel, chaired by Justice La Forest, to conduct an in-depth review of the *Canadian Human Rights Act*, the first comprehensive review since 1977. The report entitled *Promoting Equality: a New Vision*, contains 165 recommendations covering various issues from adding new grounds to updating the CHRA to create an efficient, transparent and accessible complaint system. Additionally, the recommendations suggest changes for the role of the Canadian Human Rights Commission, its processes and procedures, such as its ability to deal pro-actively and cost-effectively with systemic discrimination, direct access of individuals to the Canadian Human Rights Tribunal, and use of dispute resolution mechanisms such as mediation and alternative dispute resolution.

Health Issues

129. In the area of health, the Government of Canada recognizes that factors such as culture, gender, income, education, social support networks, the environment, and employment and working conditions determine health and well-being. Health Canada focuses on this wide range of personal and collective circumstances when developing strategies to promote health, prevent disease and reduce barriers when accessing health programmes and services. Such a comprehensive population health approach recognizes that people and groups are not affected in the same way by polices, programmes and services. The federal government works with provincial and territorial governments and other health partners to expand knowledge of factors affecting the health of the general population and specific groups such as ethnic groups, immigrants, children, seniors, women and Aboriginal peoples.

130. Health Canada's Women's Health Strategy (launched March 8, 1999) conforms with the *International Convention on the Elimination of All Forms of Discrimination Against Women* (1979) and with the principles of the Beijing Platform for Action (1995) and Canada's Federal Plan for Gender Equality (1995). The Strategy works to promote an understanding of gender as a critical variable in health, and to analyse and assess the impact of policies, programmes and practices in the health system broadly defined, on women and women's health. The Strategy emphasizes that women are not a homogeneous group and is sensitive to issues of diversity. Disability, race, ethnocultural background and sexual orientation have varying influences on women's health and on their interactions with the health system.

131. Health Canada's Gender-based Analysis Policy (2000) recognizes that policies may have a differential impact on women and men, and the need to build a gender perspective into health policy at all levels. Done properly, Gender-Based Analysis (GBA) should intersect with a diversity analysis: a process of examining ideas, policies, programmes and

research for their potentially different impacts on specific groups of women and men, girls and boys. GBA explores the relationship of gender to other determinants of health. The 12 determinants of health are: income and social status; employment; education; social environments; physical environments; healthy child development; personal health practices and coping skills; health services; social support networks; biology and genetic endowment; gender; and culture. GBA helps ensure access to, and benefits from the health system for all people of Canada.

132. Health Canada's Women's Health Contribution Program continues to provide support to four Centres of Excellence for Women's Health, the Canadian Women's Health Network and other organizations to conduct policy-oriented research on women's health with a view to making the health system more responsive to women's health needs. The Programme supports initiatives that are multifaceted, multi-disciplinary, cross-sectoral and include partnerships among academics, community-based organizations and policy makers. The Centres of Excellence have built a firm foundation of evidence concerning immigrant and refugee women and Aboriginal women's health and their experiences with the health care system.

133. Health Canada currently spends over $1.3 billion per year in health programmes and services for First Nations and Inuit people to ensure that these populations have access to the health care services needed to attain health levels comparable to other Canadians. This amount is in addition to the health services provided to all Canadians, including Aboriginal peoples, by provinces and territories as part of Canada's overall health care system.

134. These health services include public health and primary care services provided in nursing stations and by nurse practitioners in 600 First Nations communities, including 198 communities in rural and remote parts of Canada. Supplemental health benefits to cover costs of prescription drugs, dental and vision care, and transportation to medical facilities are also provided. Interpreter programmes have been instituted in many hospitals to provide assistance when necessary.

135. The federal government also works with provincial and territorial governments to support programmes and services to address the specific health risks and needs of Canada's Aboriginal peoples. Investment in front-end programmes such as diabetes, fetal alcohol syndrome/effects, and early childhood development continue to be supported by the Government of Canada. New programmes that began in 1997 and later are: First Nations and Inuit Health Information System (1997), Dental/Oral Health Strategy (1997), Tobacco Control Initiative (1998), Aboriginal Head Start On Reserve Program (1999), Expansion of Aboriginal Head Start urban and northern communities programme (1999), Expansion of Prenatal Nutrition Program (1999), First Nations and Inuit Home and Community Care Program (1999), Fetal Alcohol Syndrome/Fetal Alcohol Effects

Initiative (1999), Aboriginal Diabetes Initiative (1999 -2004), National Tobacco Control Program (2001).

136. The Government of Canada, through its Aboriginal Health Careers programme, promotes and provides bursaries and scholarships for Aboriginal people interested in pursuing health careers. The bursaries and scholarships were started in 1985. In 1998-99, the Community Health Programs Directorate transferred the management of this very successful Aboriginal scholarship and bursary programme to the National Aboriginal Achievement Foundation; the Directorate continues to offer the programme funding support.

137. The Government of Canada has recognized the need for Aboriginal specific research on health through the creation of the Institute for Aboriginal Peoples Health (IAPH) within the Canadian Institutes for Health Research (CIHR). The IAPH is one of thirteen Canadian Institutes for Health Research created in 2000. In addition, the Government of Canada also supports the National Aboriginal Health Organization, which provides a specific Aboriginal focus for information dissemination on traditional medicine, health human resource development and health delivery.

Article 6 : Effective protection and remedies

138. A complaint that has preoccupied the Human Rights Commission since 1992 is the case of *Chopra* v. *Health Canada* (1998, 146 F.T.R. 106 (F.C.T.D.); D.T. 10/01 2001/08/13). Dr. Chopra joined Health Canada in 1969. In 1992, after being denied a promotion to a director-level position, he filed a complaint with the Commission alleging discrimination on the ground of race. The complaint was investigated by the Commission and referred to the Canadian Human Rights Tribunal, where it was subsequently dismissed. In 1998, however, the Federal Court's Trial Division found that the tribunal had erred by refusing to admit statistical evidence that visible minorities were under-represented in management positions within Health Canada. In a decision subsequently upheld by the Federal Court of Appeal in January 1999, the complaint was sent back to the tribunal for a new hearing. The Human Rights Tribunal ruled in August 2001 that Dr. Chopra's rights under the *Canadian Human Rights Act* have been contravened by the respondent. This decision is now under judicial review.

139. In March 1997, a review tribunal ordered Health Canada to put in place new food and drug policies that would not discriminate against merchants on the basis of their race or ethnic origins. The verdict in *Bader* v. *Department of National Health and Welfare* (1998, 31 C.H.R.R. D/268 (Human Rights Review Tribunal)) reversed a Human Rights Tribunal decision that had dismissed allegations that the Department of National Health and Welfare had discriminated against non-Chinese merchants who sold Chinese herbal

products. David Bader claimed that the Department enforced *Food and Drug Act* regulations governing the importation and sale of certain health foods and herbal products more vigorously against Caucasian health food merchants than against merchants of Chinese origin. The review tribunal agreed that Mr. Bader had produced a *prima facie* case of discrimination in the enforcement of regulations, based on race and ethnic origin. The review tribunal found that the Department had not met the requirements of a *bona fide* justification, advancing unsubstantiated subjective information to meet an objective test. The review tribunal ordered the Department to cease the unequal enforcement of the *Food and Drug Act* based on the "ethnicity" of the product or the ethnic origin of the consumer of the product. It also ordered the Minister to carry out a national review of enforcement policies, practices and compliance strategies concerning herbs and botanicals, in order to eliminate unsound distinctions based on the ethnic origin of the dealer, product or consumer.

140. In 1998, two complaints initiated by the Assembly of Manitoba Chiefs (AMC) were settled with agreements to provide more work opportunities for Aboriginal people. In July and October 1998, Canadian Airlines International and the AMC signed two agreements to implement a comprehensive, five-year employment equity action plan to improve the workforce representation of Aboriginal people in all occupational groups at the airline. This agreement resolved a complaint filed by the AMC in 1990, alleging that Canadian Airlines International's employment policies and practices deprived Aboriginal people of employment opportunities on the grounds of race, colour and ethnic or national origin.

141. In *Nkwazi* v. *Correctional Service Canada* (T.D. 1/01; 2001/02/05), allegations of race and colour discrimination in the workplace were upheld, in part, by the Canadian Human Rights Tribunal. The complainant was a woman of colour born in Zimbabwe who immigrated to Canada in 1983. She was a qualified nurse working as a casual employee at the Regional Psychiatric Centre (RPC) operated by Correctional Service Canada in Saskatoon. The alleged discrimination against the complainant occurred in and around the time when a competition for a term staff nurse position took place. The evidence established that a member of management attempted to exclude the complainant from consideration by unjustifiably insisting she take a one week rest period, which coincided with the competition for the nursing position. No one else but the complainant was subjected to this rest period. The complainant nevertheless did compete for the term staff nurse position, but failed to make the eligibility list after a poor performance before the interview panel where the very same person who attempted to exclude her from consideration sat. The tribunal concluded, on a balance of probabilities, that the complainant's race and colour were motivating factors in the actions taken by management at RPC. The tribunal also concluded that the complainant had not been given a fair opportunity to compete on a level playing field. The tribunal characterized the events surrounding the non-renewal of her contract as shocking and humiliating to the complainant, and so insensitive as to border on intentional cruelty. The tribunal ordered

that Correctional Service Canada reinstate the complainant as a casual employee at RPC for a three-month term at the first reasonable opportunity, and to renew the contract thereafter as function of the needs of the institution. It further ordered payment for lost wages, and the order to took into consideration an inappropriate job reference that had been given to another prospective employer of the complainant.

142. In the *Selwyn Pieters* case, (*Selwyn Pieters v. R.* 2001 FCT 496, May 2001), the plaintiff had accepted a term position as a registry officer with the Registry of the Federal Court for the period from June 14, 1999 to December 14, 1999. His contract was not renewed. The plaintiff filed a grievance, alleging that the employer's decision not to renew his employment contract was inequitable, vindictive and resulted in wrongful (constructive) dismissal. The plaintiff stated that there were serious issues affecting both his important constitutional rights as an African Canadian male to equality in employment with the Government of Canada and to protection from discriminatory and bad faith discharge by the Registry of the Federal Court. In its ruling, the court agreed that the plaintiff's claim raised very important Charter issues, but the plaintiff could have presented his labour dispute before an adjudicator. If the adjudicator had refused to hear such issues, the plaintiff would have been entitled to present them to the Federal Court on an application for judicial review of the adjudicator's decision. The Court could have then dealt with the Charter issues. However, the plaintiff did not raise the Charter in the process of the grievance procedure.

143. Another Federal Court of Canada decision in December 2001 affirmed that the *Canadian Human Rights Act* applies to employees of the House of Commons (*House of Commons and the Honourable Gilbert Parent v. Satnam Vaid*, 2001 FCT 1332). The case involved a racial discrimination complaint by one such employee against the then Speaker of the House, Mr. Gilbert Parent. Before the tribunal could hear evidence on the case's merits, lawyers for the House of Commons challenged its jurisdiction, arguing that parliamentary privilege shielded the Speaker from scrutiny by the tribunal. The Federal Court dismissed that argument, holding that the scope of the privilege does not extend to human rights violations. This clarifies the broad scope of the Commission's amendments to the Act. This decision has been now been brought before the Federal Court of Appeal.

Article 7 : Education, Culture and Information

144. Canada's approach to diversity has evolved over the years and is embedded within a broad framework of civil, political, social, language and minority rights both nationally and internationally. Canada's approach includes ensuring a wide dissemination of the United Nations *International Convention on the Elimination of Racial Discrimination*, Canada's reports and the Concluding Observations of the Committee on the Elimination of Racial Discrimination. These documents are available free of charge from the Canadian

Heritage Human Rights Program at the following website: http://www.pch.gc.ca/progs/pdp-hrp/index_e.cfm .

145. Part of the Department of Canadian Heritage, the Multiculturalism Program's approach to fighting racism is multifaceted including elements of public education, institutional change, community action and research. Key partners include youth organizations, schools, non-governmental organizations and all levels of government as well as the private sector. Through the Multiculturalism Program, community initiatives on a national and regional level are supported in their efforts to dismantle systemic discrimination and eliminate racism.

146. Canada continues to fight racism and to promote a more inclusive and diverse society through the March 21 Anti-Racism Campaign, the Mathieu Da Costa Award Program, the Metropolis Project, the Citizenship Education Research Network and the Canadian Race Relations Foundation, all of which are described in the Canada's combined 13th and 14th reports.

147. Full participation in the societal processes which set the rules by which we agree to live together is the most salient measure of inclusion. Researchers, NGOs and policymakers from around the world have come together in the Political Participation Research Network (PPRN) to design and conduct research in this vital area. The results have been impressive. Since the initial seminar held in November 1997 in conjunction with the Second National Metropolis Conference, studies have been conducted in over twenty cities around the world. The results of the studies have played key roles in policy development in Canada, especially at the municipal level, but have also revitalized a critical examination at the federal level.

148. The *Racism. Stop It !* "Action 2000" special millennium youth project realized in collaboration with the Canadian Human Rights Commission brought together youth from 24 different countries and from across Canada to travel across the country to discuss issues dealing with racism. The project culminated in a concert in Ottawa featuring internationally renowned recording artists from Canada and the United States and a two-day international youth forum. "Action 2000" sought to mobilize youth, artists and leaders around the world in the struggle against racism.

149. The Multiculturalism Program, along with a number of other federal departments, supported the Canadian Bar Association's (CBA) work on the challenges and the barriers that people from racialized communities face in law schools, in the legal market and within the court system across Canada. The 1999 CBA report, *Racial Equality in the Legal Profession*, looks at some of the systemic barriers and notes ways that people and the institutions in which they work have found to eliminate these barriers or reduce their impact on people from racialized communities. Support was also provided in 2000 to the

National Association of Japanese Canadians for a major national conference *Era 21 End Racism! Activism for the 21st Century.*

150. Many of the Multiculturalism Program's actions to address racism are coordinated at the regional level. The Program works in partnership with various levels of government, institutions, schools and community groups to combat racism and to build a stronger sense of common citizenship among all Canadians. This ensures a direct focus on policies at the community and regional level. Some examples of the Program's community and regional activity are:

- in the Atlantic region, the Multicultural Association of Fredericton received support for an intercultural and race relations programme in the schools;
- in Quebec, the Centre de recherche-action sur les relations raciales received support for a project on racial equality in the arts in Quebec;
- in Toronto, the Urban Alliance on Race Relations for a multi-media education campaign to improve public understanding of multiculturalism, cultural diversity, racism and intolerance;
- in British Columbia, a project by the Puente Theatre Society on anti-racism action through stories from around the world;
- in the Kelowna area of British Columbia, in 1998 the Multicultural Society of Kelowna received support for a conference on *Dealing with Hate Crimes - an Okanagan Valley Experience*;
- in Ontario, the Guelph and District Multicultural Centre received support to undertake a project on youth involvement in Canadian neo-Nazi hate groups to find ways to counter youth recruitment by hate groups.

151. The Human Rights Commission has continued its work with community organizations across the country to promote human rights values through education. For example, the Commission's Ontario Regional Office and the Ethno-Racial People with Disabilities Coalition of Ontario produced a brochure on human rights. The Commission also participated in a range of activities related to the celebration of Black History Month across Canada. Similarly, the Quebec regional office held in February 2001 a symposium on visible minorities and the Public Service of Canada. The Prairie regional office held a "Stop the Hatred" poster campaign. Similar events and campaigns were held in other regions.

152. In 1997, the Commission published a study entitled *Visible Minorities and the Public Service of Canada*. The report noted that the federal government's record in hiring and retaining members of visible minority groups was inferior to that of private sector. The report also suggested that visible minority employees often viewed the public service as unresponsive and hostile.

153. The Commission also delivered human rights messages by participating in and co-sponsoring various seminars and conferences addressing racism in Canada. In preparation for the World Conference Against Racism and to mark the United Nations International Day for the Elimination of Racial Discrimination, the Commission sponsored, in 2000, a public education seminar in Ottawa on racism, anti-racism and their effects. Also as a contribution to the World Conference, the Commission published in 2001 a casebook on race-related complaints, which provides examples of discriminatory behaviour, what employers should do to fulfill their responsibilities under the *Canadian Human Rights Act*, and the types of remedies that are used to address discrimination.

Fighting Hate-Motivated Activity

154. In 2001, the Canadian Centre for Justice Statistics released a report *Hate Crime in Canada: An Overview of Issues and Data Sources* that for the first time, gives a national picture of the extent of hate-motivated crime in Canada and identifies research and data gathering needs (http://www.statcan.ca).

155. The government is taking action against hate-motivated activity in four primary ways: through public education; through the legal system; through supporting community initiatives to combat hate; and through supporting research.

156. In 1999, the federal government passed legislation that enhances the protection and participation of victims in the criminal justice system. Victims of hate-motivated crimes have increased opportunities to provide victim impact statements that convey to the court the impact of the accused's conduct upon them and their broader community. In March 2000, Minister of Justice and Attorney General announced that $20 million would be provided over the next four years for federal victim-related initiatives and programmes through the Policy Centre for Victims Issues.

157. Collective community initiatives and responses to hate-motivated activity in Canada are key to combatting hate motivated activity. In 1998, the Minister of Justice and Attorney General announced the second phase of the National Strategy on Community Safety and Crime Prevention. The National Strategy aims to increase individual and community safety by equipping Canadians with the knowledge, skills and resources they need to advance crime prevention efforts in their communities. The National Strategy adopts a social development approach, placing a particular emphasis on children, youth, women

and Aboriginal peoples. With an investment of $32 million annually, the National Strategy enables the Government of Canada to help communities develop programmes and partnerships that will prevent crime in the first place. The National Strategy is investing in projects that address risk factors in people's lives, such as abuse, violence, poor parenting and drug and alcohol abuse.

158. The Secretary of State (Multiculturalism) (Status of Women) held roundtable meetings in April 1997, February 2000 and June 2000 with victims, civil society organizations, government and technical experts to coordinate efforts to combat hate-motivated activity.

159. National policy and research initiatives have been undertaken including, a 1998 international comparative review of policy approaches to combatting hate on the Internet, a 1999 research overview of hate/bias-motivated acts perpetrated by and against youth, a 2000 research project and publication *Promoting Equality in the Information Age - Dealing with Internet Hate* by the Canadian Jewish Congress Pacific Region and a comprehensive resource on hate on the Internet by Media Awareness Network (MNet) *Challenging Online Hate* (http://www.media-awareness.ca).

160. The Internet has become an attractive channel for pornography and hate because of its ability to transcend geographical boundaries, its speed and easy accessibility and the great deal of anonymity enjoyed by its users. As part of the federal strategy to combat hate and bias activity, Canadian Heritage worked with other federal departments, non-governmental organizations, police, Internet service providers and international organizations to address on-line hate activity in Canada.

161. In February 2001, the Minister of Industry and the Minister of Justice, announced the launch of the Canadian Strategy to Promote Safe, Wise and Responsible Internet Use, a new initiative that will equip Canadian teachers and parents with tools and resources to help them protect children against the dangers of illegal and offensive Internet content (http://www.ic.gc.ca).

The Canadian Race Relations Foundation (CCRRF)

162. The *Canadian Race Relations Foundation Act* (CRRF) was officially launched by the government in November 1997. The Foundation operates at arm's length from the government and its directors and employees are not part of the federal Public Service. The principal office of the CRRF is in Toronto and its activities are national in scope. The Foundation received a one-time endowment of $24 million from the Government of Canada and operates on income derived from investments, donations and fundraising efforts. It has registered charitable status. For more information see the following web-site: http://www.cra.ca.

163. The CRRF seeks to shed light on the causes and manifestations of racism; provide independent, outspoken national leadership; and act as a resource and facilitator in the pursuit of equity, fairness and social justice. In 1997-98, the Foundation undertook consultations with key stakeholders across Canada to identify what aspects of racism in Canada today require the greatest attention. Priority areas, consistent with the Foundation's legislated mandate, were established: public education; action-oriented research; and, information, resource development and networking for policy and advocacy.

164. The Foundation emphasizes research that is practical, strategic and with constructive options for change. In November 1997, the Foundation issued its first annual call for research proposals on systemic racism in employment; systemic racism in education; public attitudes; and, race relations training and the development of standards. Such reports as *Racist Discourse in Canada's English Print Media* and *Educating Against Racism: An Annotated Bibliographic Tool of Anti-Racist Resources for Activists and Educators* are examples of the commissioned research sponsored by the Foundation.

165. The CRRF speaks out against both overt and systemic racism. During 1998-99, the Foundation launched an "Initiatives Against Racism" Sponsorship Program to support non-governmental organizations across Canada to combat racism and reinforce the positive contributions of racial minorities and Aboriginal Peoples in Canadian society. The CRRF also launched an annual Award of Excellence Program to recognize positive initiatives in the elimination of racism.

166. 1999 was a key year for the development of stronger working relationships with various Aboriginal communities through the Aboriginal Issues Task Force. The Foundation also took to the airwaves with the "Unite Against Racism" public education campaign, aimed at raising awareness and action on anti-racism issues. In its first year of operation, the campaign reached over 22 million television viewers.

167. In 2000-2001, the Foundation recognized that organizations located in rural regions may have less access to resources for conducting anti-racism work and may require more funds to facilitate their research, outreach and communication plans. The CRRF adjusted its Initiatives Against Racism Sponsorship Program to assist organizations located in more isolated areas in addressing these challenges.

168. In January 2001, the CRRF sponsored study *UNEQUAL ACCESS: A Canadian Profile of Racial Differences in Education, Employment and Income* found that "hidden discrimination" and "polite racism" prevents Aboriginal peoples and visible minorities from gaining equal access to jobs. Conducted by the Canadian Council on Social Development (CCSD) the study was based on quantitative statistics and focus group discussions with visible minorities and Aboriginal peoples in cities across Canada.

169. In preparation for the 2001 UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in Durban, South Africa, the CRRF developed a comprehensive position paper for the NGO Forum, which preceded the WCAR and advocated that the Canadian government set out a programme of action to address issues affecting racial minority groups and Aboriginal peoples in Canada.

World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance

170. The Government of Canada actively participated in the World Conference Against Racism and facilitated broad based consultation with other levels of government, civil society and the private sector in preparing for this important global event. As one of the co-sponsors of the UN resolution that led to the convocation of the World Conference, the Government of Canada established a national secretariat at the Department of Canadian Heritage as a national focal point for preparations for the Conference. The Secretariat organized seven regional consultations with civil society that took place across Canada. A national consultation took place in Ottawa on February 23-24, 2001, a National Aboriginal Consultation on April 6-7, 2001 in Winnipeg, Manitoba and a Youth Consultation took place in Ottawa on July14 - 15, 2001. The Secretary of State (Multiculturalism)(Status of Women) also convened an Advisory Committee of 20 eminent persons to help guide Canada's preparations for the Conference.

171. The international preparatory process for the World Conference was also an opportunity to build capacity among Canadian civil society. Non-governmental organizations were sponsored to participate in all of the Preparatory Committee meetings for the World Conference. Canada also participated in two international regional conferences in Strasbourg, France and Santiago, Chile, and participated in the final conference in Durban. The delegation, headed by the Honourable Hedy Fry, Secretary of State (Multiculturalism)(Status of Women), included senior representatives of the federal government, representatives of provincial governments, municipalities, non-governmental organizations, academics, Aboriginal peoples and a broad cross section of Canada's diverse population.

172. Efforts to eradicate racism in Canada were given added impetus through preparations for the World Conference Against Racism. The Government of Canada will seek to improve and build upon a number of programmes currently being administered; as well as the creation of new initiatives to fill the gaps in programming that have been identified. These efforts will result in a re-invigorated Canadian effort to combat racism, racial discrimination, xenophobia and related intolerance.

173. As a result of preparatory consultation for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Canada developed a 12-point list of priorities which included: acknowledgement of the past action of racism; recognition of victims and groups vulnerable to racism and the multiple faces of discrimination in society; redress and remedies for the victims of discrimination; the effect of globalization in the fight against racism; the importance of a holistic and forward-looking approach to racism; the importance of fighting against hate propaganda and racial bias; the role of the media in the civil society in fighting racism; the importance of educating youth against racism and intolerance; the importance of international cooperation; and the importance of education and other concrete preventative measures and strategies to fight racism.

Citizenship and Belonging Campaigns

174. Citizenship and Immigration Canada (CIC) works with not-for-profit and private sector organisations in partnerships to promote the integration of newcomers into Canadian society. The Department develops and distributes products that promote a better understanding of diverse cultures, encourage a sense of belonging and respect of all Canadians for our laws and values. CIC's main focus has been on school children, newcomer communities and new citizens. The Department reaches out to the public through national distribution of posters, activity guides and over three thousand citizenship ceremonies annually.

175. To promote the two-way concept of integration, CIC launched the "*Canada: We All Belong*" campaign and supporting products in 2000. The Welcome Home component of the campaign asked the children of Canada to send messages of welcome to immigrants and refugees on whom Canadian citizenship was conferred. The children responded with thousands of messages, drawings, poems and haikus. Approximately a quarter of a million *Welcome Home* posters have been distributed to schools, settlement organisations, Members of Parliament, boys and girls associations and other organisations.

176. The "*Canada: We All Belong*" campaign helps immigrants and refugees to feel more welcome, and also gently reminds Canadians to be more welcoming of newcomers. The Activity Guides, with their cross-curricular, multi-grade approach, fit well into provincial/territorial school curricula. For Canada's Citizenship Week 2001, which was October 14-20 2001, the Government of Canada conducted a national television and newspaper campaign using the "*Canada: We All Belong*" theme promoting the values of respect, peace and togetherness. This media campaign was initiated to combat the negative perception of some immigrant communities in response to the attacks of September 11th.

Promotion of Arts and Culture to Combat Racism

177. The work of the Arts and Policy Branch of Canadian Heritage supports culture initiatives that combat prejudices that lead to racial discrimination, and more particularly, that promote understanding, tolerance and friendship among nations and racial and ethnic groups. The principle of equity and inclusion are entrenched in the policy directions developed over the last year in national consultation with stakeholders in the community. Initiatives announced by the Prime Minister on May 2, 2001 in support of the arts are informed by these principles. The three key directions of this policy work are excellence and diversity in creativity, connecting people and the arts, and sustaining the sector.

178. In the policy directions, special emphasis is placed on the contribution of Aboriginal cultures and peoples to the identity and spirit of Canada. Fundamental to a vision for the arts is an awareness that Canada has a talent pool in the arts that is increasingly culturally diverse, and the government intends to encourage and sustain cultural diversity through the arts.

179. Aboriginal youth, the fastest-growing segment of the Canada's youth population, are the least likely to acquire the educational and life skills needed to lead stable and rewarding lives, due to economic, cultural and personal hardship. Since 1998, Canadian Heritage has invested in the improvement of the economic, social and personal prospects of urban Aboriginal youth: the Urban Multipurpose Aboriginal Youth Centres Initiative supports the development of a network of culturally-relevant, supportive and accessible projects and activities that are directed at addressing a wide range of issues and needs, which have been identified by Aboriginal youth. These projects are managed by Aboriginal organizations with the guidance and participation of Aboriginal youth.

180. At the conclusion of the United Nations International Year of the World's Indigenous People, the National Aboriginal Achievement Awards were established to recognize and promote the outstanding achievements of Aboriginal people in diverse fields throughout Canada. These awards are continuing with the International Decade of the World's Indigenous People. Celebration of National Aboriginal Day, established in 1996 as June 21, continues to recognize the contributions and achievements of Aboriginal peoples in Canada. These initiatives promote and engender a deeper understanding of Aboriginal peoples and their continuing valuable contributions to Canadian society.

181. Issues relating to racial discrimination are addressed through targeted efforts by the Canadian Studies Program to ensure the representation of Canada's diversity in publicity and educational material, and through the support of projects addressing this diversity in the context of Canadian Studies. The many projects supported include a national conference on the *Teaching, Learning and Communicating the History of Canada*, featuring dialogue on the place of aboriginal history and involving First Peoples scholars.

students and teachers on a significant basis and the successful *Scattering of Seeds* project, a multi-episode series on the history of Canada through the lives of immigrants.

182. In the year 2000, the theme of the Annual Canada Day Poster Challenge was "Celebrating Canada's Diversity". The activities encouraged students to gain an understanding of the people, places and events that helped to establish our diverse society.

183. The *Exchanges Canada* initiative aims at providing Canadian youth with opportunities to experience Canada and connect to other Canadians. Through exchanges, youth develop a greater understanding and appreciation for Canada's rich cultural diversity. In addition, *Exchanges Canada* is undergoing consultations to develop a new programme component on racial discrimination awareness, which would be integrated into Youth Forums Canada programme *Encounters with Canada.*

184. The National Film Board of Canada (NFB) is a public agency that produces and distributes films and other audiovisual works which reflect Canada to Canadians and the rest of the world. The NFB has implemented a number of initiatives to achieve objectives with regard to diversity, including a Special Mandate Team for cultural diversity that promotes the participation of filmmakers from as many diverse cultural communities as possible.

185. Both the English and French programmes of the NFB have programmes and competitions designed to encourage the realization and development of filmmakers from diverse cultural communities. Special programmes also exist to promote aboriginal participation.

186. The NFB has also produced or co-produced at least 15 films (English and French) featuring counter-racism themes.

Media

187. In the areas of broadcasting, issues relating to racial discrimination are addressed in the *Broadcasting Act* of 1991, which largely promotes equal rights by requiring, among other things, that the Canadian broadcasting system serve and reflect Canadians through its programming and employment opportunities, by taking into account equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of Aboriginal peoples. In addition, the *Broadcasting Act* directs the Canadian Broadcasting Corporation, the national public broadcaster, to provide programming that reflects the multicultural and multiracial nature of Canada. The Canadian Radio-television and Telecommunications Commission (CRTC) regulates the issues of portrayal, employment equity, multicultural and ethnic and Native (Aboriginal) broadcasting. Neither the issues nor the Government's position on such issues have changed in the period under review.

188. In 1996, the Department of Canadian Heritage and Telefilm Canada partnered with private industry to create the Canadian Television Fund (formerly named the Canada Television and Cable Production Fund) to maintain and increase the amount of high quality, distinctively Canadian programming for Canadian audiences. The Fund effectively promotes Canadian culture, intra-national and intra-cultural understanding by encouraging productions in the essential areas of drama, variety, children's shows, documentaries and performing arts in English, French and Aboriginal languages. In 1997/98, the Fund's budget included support for 11 Aboriginal television projects.

189. The Canadian Television Policy Framework, released in June 1999, is a key document by the CRTC which outlines the obligations of broadcasters. It includes rules for various issues including social issues and cultural diversity. All television broadcasters, as a condition of their licence, are required to report on their commitment to accurately reflect the presence of cultural and ethnic minorities and Aboriginal peoples in the communities they serve. Furthermore, licensees are expected to ensure that the on-screen portrayal of all minority groups is accurate, fair and non-stereotypical.

190. The Northern Native Broadcast Access Program (NNBAP) was established under the Northern Broadcasting Policy in 1983. The mandate is to contribute to the protection and enhancement of Aboriginal languages and cultures through funding and assistance to thirteen Native Communications societies for the production and distribution of radio and television programming that meet the cultural, and information needs of Aboriginal peoples. These societies directly service half a million Aboriginal people. Radio programming produced by the societies reaches over 400 communities, predominantly via independent satellite networks. All the television programming produced by the societies is broadcast on the National Cable Television network - The Aboriginal Peoples Television Network. All the societies are located in the three territories and the northern regions of seven provinces.

International Aid, Cooperation and Development

191. Canada's foreign policy, including its international assistance, is guided by overarching objectives, one of which is the expression of Canadian values and culture, which includes respect for human rights and multiculturalism; both of which contribute to the elimination of racial discrimination. The Canadian International Development Agency's (CIDA) mandate is to promote sustainable development in developing countries in order to reduce poverty. CIDA aims to reach the poorest of the poor, many of whom are marginalized as a result of racism and discrimination.

192. CIDA has provided $341,355 to the Roma Community Development Project in the Slovak Republic. This project's long-term goal is to prevent discrimination against

Slovakia's Roma minority, through building the community's capacity to meet its basic needs, facilitating Roma participation in democratic governance, and by building the capacity of Slovak government officials to design and deliver programmes which are responsive to the needs of the Roma minority.

193. CIDA has contributed $45,000 to the Vietnam Centre on Population, Labour and Social Affairs to increase the understanding of the legal needs of the Kho Mu ethnic minority, one of the poorest communities in Vietnam. The project surveyed important legal issues for the target group, produced relevant information, and developed training programmes. It allowed the Kho Mu communities to exercise their rights within the framework of Vietnamese law.

194. CIDA has supported the Government of South Africa through a $7 million grant to assist in its redesign of the educational system in an effort to improve accessibility, quality and equity, especially for non-whites and women of the country's education and training systems.

195. CIDA's Action Plan on Child Protection identifies 'children facing discrimination because of their ethnic or religious identity' as a key group of children who need special protection from violence, marginalization, targeting during conflict and unfair treatment by authorities. The Action Plan commits CIDA to working to identify these children in specific situations and ensuring that they receive the assistance to which they are entitled.

196. CIDA has also taken a number of initiatives that specifically address the needs of indigenous peoples: for example, in recognition of the fact that indigenous peoples around the world often face extreme poverty, social and political marginalization, the Minister for International Cooperation announced in March 2001 the Indigenous Peoples Partnership Program, which provides $10 million over a four-year period to support inter-Indigenous development.

197. CIDA has provided over $12 million in support to a programme that promotes respect for human rights and democratic practices as well as peace building, including respect for the identity and rights of the indigenous community in Guatemala. These funds supported activities such as anti-discrimination training for members of the Guatemalan media, encouraged the participation of indigenous Guatemalans in electoral politics, and supported the involvement of indigenous organizations in United Nations-sponsored peace negotiations.

PART IV

Measures Adopted by the Governments of the Provinces

British Columbia

General

198. This report contains information on developments regarding the elimination of racial discrimination in British Columbia during the period of June 1997 to May 2001.

Legislative Framework

199. There are three legislative regimes aimed at eliminating racial discrimination in British Columbia: the *Canadian Charter of Rights and Freedoms* ("the Charter"), the *Human Rights Code*, and the *Multiculturalism Act*. Each will be explained briefly in turn in the following paragraphs.

200. The Charter governs all state action. Although Canada is a federal state, as a constitutional document, the Charter applies to all provinces and territories. In addition, as a result of the Supreme Court of Canada's decision in *Singh* v. *Canada (Minister of Employment and Immigration)*, [1985] 1 S.C.R. 177, the Charter applies equally to citizens and non-citizens. In keeping with the *International Convention on the Elimination of all Forms of Racial Discrimination*, section 15(1) of the Charter specifically prohibits discrimination based on race, national or ethnic origin, and colour.

201. The provincial *Human Rights Code* also prohibits discrimination on the basis of race, ancestry, place of origin, and colour across four broad areas of provincial jurisdiction: employment, publications, sale and rental of real property, and lastly, public services, accommodations, and facilities.

202. British Columbia's *Multiculturalism Act* aims to:

- recognize that the diversity of British Columbians as regards race, cultural heritage, religion, ethnicity, ancestry and place of origin is a fundamental characteristic of the society of British Columbia that enriches the lives of all British Columbians;
- encourage respect for the multicultural heritage of British Columbia;
- promote racial harmony, cross cultural understanding and respect, and the development of a community that is united and at peace with itself; and

- foster the creation of a society in British Columbia in which there are no impediments to the full and free participation of all British Columbians in the economic, social, cultural and political life of British Columbia.

Demographic Information

203. Between 1997 and 2000, British Columbia's population grew from 3,923,564 to 4,063,760. The most recent demographic information that details population by ethnicity dates from the 1996 Canada census. According to that document, people who self-identified as "visible minorities" accounted for 17.9 percent of the province's total population. The three largest ethnic groups were the Chinese, South Asians, and Filipinos who represented 8.1 percent, 4.3 percent and 1.3 percent of the total population respectively.

Article 2 : Policy and programme initiatives

Legislative Measures

204. There have been no changes to the anti racism provisions of human rights or equality legislation during the reporting period.

Judicial Decisions

205. In 1999, the Supreme Court of Canada ruled on a landmark human rights case in *British Columbia (Public Service Employee Relations Commission)* v. *BCGSEU (British Columbia Government and Service Employees' Union)*, [1999] 3 S.C.R. 3. Prior to this judgement, a distinction had been drawn between "direct" discrimination, which involved a distinction drawn obviously on prohibited grounds and "adverse effect" discrimination, which arose when seemingly neutral requirements have a discriminatory consequence. In this decision, the Supreme Court of Canada eliminated the distinction, thereby rationalizing the legal analysis to be applied in discrimination cases, including those involving racial discrimination. As such, the case marked a significant evolution in human rights jurisprudence in Canada.

206. Another important development in the fight against hate speech was the decision of the British Columbia Human Rights Tribunal in the *Canadian Jewish Congress* v. *North Shore Free Press Ltd. and Doug Collins* in 1997. The Human Rights Commission successfully argued through the Deputy Chief Commissioner that the *Human Rights Code*'s provision prohibiting discriminatory publications met constitutional muster. In a decision that balanced the right to be free of discrimination against the right to free speech, the Tribunal held that a newspaper columnist's articles had the cumulative effect

of exposing Jewish people to hatred and contempt. The decision is particularly important in that it upheld section 7(1)(b) of the *Code* which prohibits the publication of unusually strong or offensive statements that are likely to expose a person or a group of persons to hatred or contempt because of race, religion, ancestry or certain other grounds. A full copy of the *Code* may be viewed at: http://www.legis.gov.bc.ca.

Other Measures

Statutory Created Advisory Organizations

207. Other facets of British Columbia's commitment to eradicating racism include the work of the Human Rights Advisory Council and the Advisory Council on Multiculturalism.

208. The BC Human Rights Advisory Council was established in 1998 under the new BC *Human Rights Code* that came into effect on January 1, 1997. It began its work in July 1998. The role of the council is to be the "eyes and ears" of the community by :

- informing the public about the BC Human Rights Commission;
- bringing human rights concerns to the attention of the Minister and the Commission; and
- advising the Minister Responsible for Human Rights on matters relevant to the administration of the human rights process in British Columbia.

It accomplishes this task by holding public meetings and consultations throughout the province each year and by producing an annual report.

209. Similarly, the Advisory Council on Multiculturalism is established pursuant to section 4 of the *Multiculturalism Act*. Its role is to advise the Minister Responsible for Multiculturalism on emerging diversity and anti racism issues. Like the Human Rights Advisory Council, members serve on a voluntary basis. The council holds meetings throughout the province and produces an annual report outlining yearly activities and recommendations. Annual reports can be found at : http://www.ag.gov.bc.ca/public/index.htm .

British Columbia Human Rights Commission

210. During the period under review, the British Columbia Human Rights Commission served as the principal human rights agency in the province[6]. On March 21, 1998, the Commission launched its website thereby increasing access to information about human rights within the province, including information regarding racism, the role of the Commission, the complaint process, and news releases.

211. In 1999, in response to concerns that complaints of racial discrimination were being dismissed in greater proportion than other human rights complaints, the Commission created an internal "Race Complaints Committee" to review the complaint handling process as it related to race complaints. The committee includes Commission staff, a representative from Multiculturalism BC, as well as members from the community.

212. In 1999-2000, the Committee commissioned a researcher to review selected complaint files in order to identify reasons for the lower success rate for race complaints. The Commission also developed training on the investigation of race discrimination complaints.

213. The Human Rights Commission developed a number of new resources during the reporting period.

- a video entitled *Human Rights, My Rights: A Video for Aboriginal People*;
- a "Racism Fact Sheet" designed to raise awareness of a person's right to live free from racial discrimination. This education resource defines racism, provides examples of racism in the workplace, tenancy, and public services as well as providing information about how to file a formal human rights complaint;
- an Aboriginal outreach project in recognition of the low number of human rights complaints filed by Aboriginal people;
- support of the Justice Theatre which dramatizes human rights processes at a community fair, the Pacific National Exhibition. In 1999, the focus was racial harassment;

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[6] Effective April 1, 2003, the British Columbia Human Rights Commission was replaced by a new system. This will be covered in Canada's next report. For more information please visit the following website: http://www.bchrt.bc.ca/

- an anti-racism online conference on February 18-19, 2000, which brought together students, activists, teachers, and other professionals to develop a better understanding of information technologies and how they affect human rights;

- a harassment guide, which is meant to help employers of all sizes and types to include human rights policy and procedures in their businesses and to model the values of respect and dignity inherent in the *Human Rights Code*. The guide covers all types of discriminatory harassment including that based on race, colour, and place of origin ; and

- a series of public fora in 1999-2000 on the topic of reducing racial barriers to hiring, promotion, and retention in the British Columbia public sector. The goal was to attract a workforce which reflects the diversity of the province's population.

Other Activities

214. Each year, British Columbia hosts many activities in honour of the International Day for the Elimination of Racial Discrimination in March.

- in 1998, activities included a forum called, "Challenging Systemic Racism" which brought together 120 participants from government, business, labour, community groups, and the public to discuss issues and challenges of systemic discrimination and to increase cross cultural understanding in order to eliminate racism;

- another event was held in Victoria a day later called "Challenging Racial Discrimination: A Celebration and a Discussion." In 1999, the theme of the forum was "Strategies to End Racism";

- since 1997, the province has also celebrated End Racism Awards in March each year. The awards recognize the collaborative efforts of individuals, community organizations, and institutions to increase cross-cultural understanding and to eliminate racism.

215. In addition, each year, the government through Multiculturalism BC provides funding to anti-racism and multicultural groups. For example, in 1997-1998, $1,201,000 was awarded to 84 projects throughout the province. In 1998-1999, funding dropped slightly to $1,083,312 for 86 projects, and in 1999-2000, $851,372 went to 75 projects.

216. Annual anti-racism marches have been held in the Vancouver area. The marches in March 1999 attracted several hundred participants. In addition to the walk, human rights workshops were set up in order to explore the roots and appropriate responses to racism,

and a public video room showed anti-racism and multicultural films. In March 2000, the walk was entitled "Celebrating Our Differences: Walk for Unity and Educating Against Racism Conference." As the title suggests, a conference was added onto the event and featured free workshops designed to eliminate racism in the local community.

217. In partnership with three major provincial anti-racism community organizations, the government conducted six regional consultations with concerned citizens in preparation for the United Nations World Conference Against Racism in Durban, South Africa on August 31-September 7, 2001. These consultations informed British Columbia's contribution to the Canadian government's submission to the World Conference.

Article 4 : Prohibition against promotion of racism

218. Activities to eliminate hate crimes increased dramatically during the reporting period. Examples include the organization of fora in Aboriginal communities. In 1998, such forums were held in Vancouver (March 23, 1998), Prince George (April 20, 1998), and Prince Rupert (April 24, 1998), Penticton (September 22, 1998), Nanaimo (October 5, 1998), and Cranbrook (May 6, 1999). The forums provided the opportunity for communities to relate their experiences with hate crimes and discuss potential solutions.

219. In 1998, the Hate Crime Team played an instrumental role in the provincial telephone company's investigation of the dissemination of hate on the Internet. The mandate of the Hate Crime Team is to ensure the effective identification, investigation, and prosecution of crimes motivated by hate. In March 1999, the Ministry of Attorney General produced its first Hate Crime Team Status Report covering the period from its creation in April 1997 to December 1998. Reported incidents of racially motivated behaviour to police increased from 131 in 1997 to 168 in 1998. Criminal charges increased from 25 to 46 over the same period.

220. In 1999, the province helped to fund a two day conference at the University of Victoria called, "Hatred in Canada: Perspectives, Action, and Prevention." The topic was a discussion of issues relating to hate and possible responses. Furthermore, in November 1999, British Columbia hosted Canada's justice ministers for a conference and hate crime was one of the key agenda items. That same month, the British Columbia Human Rights Commission released a report called "A Call for Action: Combating Hate in BC." The report illustrates how youths are targeted by hate groups and asks citizens to put fighting hate at the top of their community and individual priorities.

Article 5 : Equality before the law

221. British Columbian's equality rights continue to be guaranteed by the *Canadian Charter of Rights and Freedoms*. Additional information is provided in previous reports.

Article 6 : Effective protection and remedies

222. The remedies described under the *Canadian Charter of Rights and Freedoms* as well as those under the *Human Rights Code* continue to be available for all British Columbians. Additional information is provided in previous reports.

Article 7 : Education, Culture and Information

223. British Columbians recognize the importance of education in preventing and eradicating racial discrimination. A list of some of the highlights of government activity during the reporting period follows:

- **May 1997**: Youth anti racism group TROO (Total Respect of Others) presented and facilitated interactive workshops for schools and community groups throughout British Columbia. The group uses theatre games, role playing, and audience participation to discuss racism and hate bias issues with young people.

- **November 14, 1997**: Multiculturalism BC sponsored a day long youth forum called Reaching Across Differences in Vernon BC. Approximately 275 youth attended and discussed issues relating to multiculturalism and elimination of racism. The session began with speeches, then theatre performances, and ultimately workshops which created recommendations. The recommendations have led to school initiatives and have been incorporated into Multiculturalism BC's strategic planning process.

- **December 1997:** a Safe School Centre opened in Burnaby. Its purpose is to serve as a resource centre for schools across the province providing information, resource materials and examples of best practices to address a range of safe school issues, including preventing crime and violence and celebrating diversity. The centre profiles successful ongoing programmes such as STAAR (Students Taking Action Against Racism).

- **August 1998:** The British Columbia Human Rights Commission provided funding to allow the People's Law School to stage dramatizations of human rights complaints at the Pacific National Exhibition (a large fair in Vancouver). The topic in 1998 was racial discrimination, specifically hate publications. The plays provided a forum for the public to view a human rights hearing, to discuss the balance between the right to live free from discrimination and the right to freedom of expression, and to learn about the social impact of hate literature.

- **Fall 1998:** The Ministry of Education published *Shared Learnings: Integrating BC Aboriginal Content K-10.* The resource is designed to provide guidance in integrating Aboriginal topics in all subject areas at an introductory level. The aim is to provide a guide for educators that will assist in creating greater sensitivity to and respect for the richness and diversity of the Aboriginal peoples of British Columbia.

- **1998-1999:** Multiculturalism BC entered into a partnership with Central Okanagan School District. Funding supported Racism Free Schools and School District Action plans designed to create a racism free school district.

- **1998-1999:** The government provided funding to the Department of Counselling Psychology, the Faculty of Education at the University of British Columbia in Vancouver. The purpose of the financial support was to permit the Faculty of Education to develop, implement and evaluate the Anti Racism Response training module in its Teacher Education Program.

- **1998-1999:** In recognition of the 50th Anniversary of the *Universal Declaration on Human Rights*, a human rights video series, *Not in Our Back Yard*, was held, a resource bibliography on human rights was developed with the Vancouver Public Library, and a special event to honour a new documentary on the life of the late Chief Dan George, Burrard First Nation, was held at the Vancouver International Film Festival.

- **October 1999**: The government released a series of resource guides created for the provincial education system to help identify and combat racism. The five guides are directed at students, parents, elementary and secondary school teachers, and administrators. Each booklet uses workshops to present real life scenarios of inadvertent or intended racism coupled with strategies for resolving conflicts. Strategies focus on non-confrontational, positive ways to address racism and arrive at a better understanding of other cultures. The guides have been widely distributed to schools, educators, and community organizations throughout British Columbia.

- **December 10, 1999**: In partnership with the BC Federation of Teachers, government launched the BC Human Rights Champions Award Program designed to encourage school-age children to carry out activities aimed at promoting respect for human rights. Many of the student activities recognized by the programme were aimed at preventing or responding to racism.

- **June 1, 1997 – May 31, 2001:** The government provided funding to the People's Law School to stage a total of 319 Justice Theatre dramatizations in schools throughout British Columbia on themes of racism and hate crime. These performances educated youth on a number of subtopics such as racial discrimination in the workplace, race-based criminal assaults, and homophobic discrimination and violence.

Alberta

General

224. Alberta's submission to Canada's fifteenth and sixteenth reports updates to May 2001, the information contained in Canada's thirteenth and fourteenth reports.

225. The Government of Alberta is committed to equality and full participation for all Albertans. Dealing with racism and discrimination is a shared responsibility – government, business, community organizations and public institutions.

226. The government responds to issues of racism in a variety of ways:

- ensuring that Alberta Government policies, programmes and legislation comply with United Nations human rights treaties that are ratified by Canada;
- passing legislation such as the *Human Rights, Citizenship and Multiculturalism Act* or the *Holocaust Memorial Day and Genocide Remembrance Act*;
- developing business plans, strategic directions and policies that reflect government values and goals of creating an environment free from discrimination;
- implementing specific programmes within ministries to address these issues;
- providing funding to community organizations to assist them to develop and carry out initiatives; and
- providing advice and assistance to individuals and organizations wishing to respond to equity or inclusion concerns.

Alberta's *Human Rights, Citizenship and Multiculturalism Act*

227. The Alberta Government, through the Department of Community Development, continues to promote the understanding and acceptance of diversity with the *Human Rights, Citizenship and Multiculturalism Act* and to protect human rights to ensure that all Albertans can participate and contribute equally to the cultural, social and economic life of Alberta.

Aboriginal Affairs and Northern Development

228. Aboriginal Affairs and Northern Development develops government-wide policy and strategic recommendations to guide the province's relationship with Aboriginal people in a manner that balances the interests of all Albertans. Aboriginal Affairs and Northern Development provides advice to the Premier, Ministers, government departments and agencies, Aboriginal and non-Aboriginal organizations and the business sector.

229. In 2000, the Government of Alberta adopted a cross-ministry priority Aboriginal Policy Initiative (API) whose purpose is to work with Aboriginal people, federal and municipal governments, industry and other interested parties to improve the well-being and self-reliance of Aboriginal people and clarify federal, provincial and Aboriginal roles and responsibilities. This purpose relates to the Government of Alberta Business Plan Goal 6: "The well-being and self-reliance of Aboriginal people will be comparable with that of other Albertans". Three Ministries champion the API: Aboriginal Affairs and Northern Development, Children's Services, and Justice. Each government ministry is committed to working with these co-champions to achieve this government goal, with performance being measured annually by an external panel.

230. Work towards achieving Business Plan Goal 6 is focused on improving the health status and well-being of Aboriginal people, supporting life-long learning opportunities for Aboriginal people, promoting appreciation of Aboriginal cultures, increasing the participation of Aboriginal people in the Alberta economy, and clarifying federal/ provincial/ Aboriginal roles and responsibilities.

Article 2 : Policy and programme initiatives

Aboriginal Affairs and Northern Development

231. In each fiscal year from 1997-1998 to 2000-2001, Aboriginal Affairs and Northern Development provided approximately $2.3 million in funding to the province's 20 Native Friendship Centres and the Metis Nation of Alberta Association. The Friendship Centres aim to improve the quality of life for Aboriginal people in urban environments. They support self-determined activities that encourage equal access and participation of Aboriginal people in Canadian society while emphasizing Aboriginal cultural distinctiveness. During this reporting period, the centres used the funding for numerous projects to improve cultural and cross-cultural awareness, including powwows, workshops, community liaison activities and Aboriginal dance, crafts and language courses.

232. The Metis Nation of Alberta Association works towards enhancing the socio-economic well-being of the Metis of Alberta who are not members of Alberta's eight Metis Settlements. Under the *Alberta/Metis Framework*, the Association uses the core funding provided by the province to engage in joint planning and action with the province to ensure effective participation in the design, development and delivery of provincial policies, programmes and services.

233. Aboriginal Affairs and Northern Development was involved in three Treaty Land Entitlement settlements with First Nations in Alberta during the reporting period for a total of approximately 71,000 acres of land and $12.5 million. Treaty Land Entitlements settlements are important steps to establishing an economic base and developing the infrastructure to improve the standard of living for the Indian population. Treaty Land Entitlements principally involve the federal government, which has the primary responsibility under the Canadian Constitution. Claims also may involve the province because the province is obligated to transfer to the federal government unoccupied lands it requires to fulfil its treaty responsibilities.

Alberta Justice, Alberta Solicitor General

234. Alberta Justice and Alberta Solicitor General have established the Aboriginal Justice Initiatives unit, which serves both ministries and whose director is a member of both executive committees. This unit liaises with each division in both departments, with other ministries, and with Aboriginal people and communities on justice and issues related to the achievement of the government's goal that "The well-being and self-reliance of Aboriginal people will be comparable with that of other Albertans".

235. Examples of Aboriginal justice initiatives include the provision of Aboriginal cultural awareness training to over 450 Alberta Justice and Solicitor General staff (10 percent of total staff) in 2001 – 2002. The ministries funded 60 community justice initiatives in 48 Aboriginal communities, an increase of 36 percent in the number of projects and 30 percent in the number of communities served over 2000- 2001. These include Youth Justice committees, crime prevention initiatives, victims' services, community corrections programmes, and First Nations policing services. It is noted that the Provincial Court of Alberta sits at three First Nations communities and is supported by community-based services provided by the community, Alberta Justice and Solicitor General. Alberta Justice has established Aboriginal liaison prosecutors to liaise with Aboriginal communities on justice-related issues.

236. Alberta Solicitor General is working with representatives of Treaty 8 First Nations of Alberta, the federal government and Royal Canadian Mounted Police to consult with First Nations authorities at Treaty and Tribal Councils on how to provide effective policing services to First Nations. Alberta Solicitor General has entered into a number of

partnerships with Aboriginal communities for the provision of correctional services. At Correctional Centres it provides Aboriginal spiritual and cultural programmes through the services of Native Programme Co-ordinators. These include sweet grass ceremonies, sweat lodges, round dances, and pow wows.

International and Intergovernmental Relations

237. International and Intergovernmental Relations oversees Alberta's nine twinning relationships, often referred to as sister-province relationships with provinces/states in China, Japan, South Korea, Russia, South Africa, Argentina, Mexico and the United States. These relationships support activities undertaken by local citizens, municipalities, and the province, which help increase understanding of other peoples, cultures, and economies; in this way contributing to the elimination of barriers, which often lead to racial discrimination.

Alberta Health and Wellness

238. Alberta Health and Wellness initiated the Aboriginal Health Strategy to address a marked disparity in health status between Aboriginal Albertans and the general population. Part of this disparity may stem from racism and systemic discrimination in the health care system that this Aboriginal Health Strategy is intended to address. The Aboriginal Health Strategy was developed after extensive consultations with Aboriginal communities and organizations and was intended to evolve over time to meet the changing health needs of Aboriginal Albertans.

239. The Strategy has five major objectives: (1) to improve primary health care services in remote Aboriginal communities; (2) to improve access by Aboriginal peoples to provincial health services; (3) to establish partnerships with provincial Aboriginal associations and communities to design appropriate health services; (4) to improve the level of knowledge of Aboriginal people about their health and the health care system; and (5) to improve Aboriginal participation in the health workforce through health careers bursaries.

240. Since its inception, the Strategy has spent or committed over $10 million to support community-based partnership initiatives to improve the health and well being of Aboriginal Albertans and has provided over 216 bursaries to assist Aboriginal students to pursue careers in a health field. Some examples of the types of community-based partnership initiatives include: community actions to prevent suicide and other injuries; programmes to blend traditional healing practices with western healing methods; and in-service training programmes for health care professionals to improve their knowledge of Aboriginal culture and healing ways. In addition, many of Alberta's 17 health regions

have initiated their own programmes to improve access to health services for Aboriginal Albertans within their region.

Alberta Children's Services

241. Alberta Children's Services has agreements with sixteen First Nation or Tribal Council Child Welfare Agencies whereby these Agencies deliver provincial child welfare services to all persons residing on the reserves of thirty-eight of the forty-six First Nations in Alberta. The Ministry's Child and Family Services Authorities provide child welfare services on the reserves of the remaining eight First Nations.

Community Development

242. The Wild Rose Foundation Quarterly Grants Program provides grants to non-profit organizations in Alberta working principally in the area of human services to assist with projects that benefit the greater community. Aboriginal groups are often recipients of these grants.

Article 5 : Equality before the law

243. In the fiscal year of 2000-2001, complaints to the Human Rights and Citizenship Commission based upon the grounds of race/colour and ancestry/origin represented 10 percent and 8 percent respectively of the total grounds cited. By way of comparison, complaints based on gender and physical disability each represented 28 percent.

244. On June 2, 1997, the Alberta government enacted the *Child and Family Services Authorities Act*, which affirms the government's commitment to develop and provide programmes and services to First Nations, Metis and other aboriginal peoples that reflect their values, beliefs and customs in a respectful and collaborative manner. The Act creates a community-based system of regional Authorities, allowing child and family services and programmes to be planned on the basis of local needs. When appointing board members to a regional Authority, the Minister of Children's Services must have regard to the aboriginal population of the region administered by the Authority. In 1999, the Minister established a Metis Settlements Child and Family Services Authority.

Article 7 : Education, Culture and Information

245. Alberta Aboriginal Affairs and Northern Development distributed approximately $900,000 in grants for cultural awareness, education and development projects during the reporting period. The majority of these projects were conferences, powwows, and Native awareness events. The largest projects revolved around the Treaty 8 centennial

commemorative events during 1999. A series of events at three locations were held during the year with historical projects occurring in conjunction with the celebrations.

Aboriginal Education

246. In 1999, Alberta Learning initiated a review of the Native Education Policy in Alberta. The policy statement indicates that the Ministry "supports education programmes and services which provide enhanced opportunities for all Alberta students to develop an understanding and appreciation of Native histories, cultures and lifestyles. These programmes and services also provide opportunities for Native people to help guide and shape the education their children receive." The purpose of the policy review was to (1) determine and define the role, responsibilities and jurisdiction of Alberta Learning in the education of First Nation, Métis, Inuit and other Aboriginal learners, and (2) establish directions in legislation, policy and regulation in the delivery of programmes and services to First Nation, Métis and Inuit learners. Alberta Learning is currently moving forward on policy matters related to the policy review.

247. Alberta Learning continues to support the Native Education Policy objectives through a number of initiatives.

- In 1999/2000 funding for Native Education Projects was over $4 million. The Native Education Project has established initiatives in four main areas: Aboriginal personnel, Aboriginal learning resources, Aboriginal language development, and cultural awareness.

- The Aboriginal Studies 10, 20, and 30 programme is intended to provide a conceptual framework for all learners as a means to better understanding and respect for the similarities and differences among different Aboriginal cultures. These programmes are being provincially implemented in 2002.

- Provincial programmes in Aboriginal languages include Blackfoot and Cree language and culture at the 10, 11 and 12 levels. Locally developed programmes include Blackfoot and Stoney language at the 10 and 11 levels.

- Participation continues in the Western Canadian Protocol Social Studies Kindergarten to Grade 12 Project to include Francophone and Aboriginal culture and history.

- The development of the Alberta Social Studies Programmes of Study, Kindergarten to Grade 12 is underway. This development includes Aboriginal and Francophone writers and teacher members. The core elements are citizenship, identity and diverse perspectives, and anticipated topics include racism, stereotyping, and safe and caring learning environments.

Immigrants and Refugees

248. Alberta Learning continues to provide operating grants to immigrant-serving agencies to assist the integration of immigrants and refugees to the province. Immigrant-serving agencies are supported to deliver services such as counseling and English as a second language (ESL) assessment and referral. Adult English as a second language curriculum, innovative projects and learning opportunities are also supported through ESL providers, Community Adult Learning Councils and volunteer tutor adult literacy services. In 1999/2000 a province-wide assessment was undertaken of the needs of immigrants for settlement and employment services. In 1999/2000, the funding cap for English as a Second Language was removed for Grades 1 to 12.

249. Alberta Learning develops and distributes several publications for immigrants free of charge to schools, careers development centers and the public. New resources to support ESL programming in senior high schools were developed, as well as a guide to ESL for elementary schools. Alberta Learning publishes and distributes free of charge *Welcome to Alberta*, a booklet for new immigrants and *English Express*, a newspaper for adults learning to read.

Community Development

250. One of the core businesses contained in the Community Development Business Plan is protecting human rights and promoting fairness and access. The ministry accomplishes these through :

- resolution of complaints made under the *Human Rights, Citizenship and Multiculturalism Act*;
- public education, information and consultation services; and
- financial assistance to community human rights and diversity projects through the Human Rights, Citizenship and Multiculturalism Education Fund.

251. The Human Rights and Citizenship Branch is involved in educational initiatives which relate to a broad definition of human rights, including diversity and multiculturalism. Some examples of the anti-racism education, information and consultation services that the Human Rights and Citizenship Branch provides or develops include:

- development of resources such as the annotated bibliography of human rights materials for children and youth;

- participation in the City of Calgary Listening Circle process which responds to barriers to full participation identified by the Aboriginal community;

- consultation with community members produced a strategic direction for human rights and diversity work in the province. The report, *Promoting Equity and Fairness for all Albertans*, will help the community and the ministry respond to community needs in this area;

- work with the Calgary Cultural and Racial Diversity Task Force to assist private, not for profit and public sector organizations to create and maintain environments that affirm, respect, reflect and celebrate the racial and cultural diversity of our society.

252. The Human Rights, Citizenship and Multiculturalism Education Fund supports community organizations in undertaking human rights and diversity initiatives that lead to change. Some examples of community initiatives supported by the Education Fund that deal with racism include:

- Calgary Jewish Centre: Holocaust Education Symposia: Three half-day workshops involving 1800 grade 12 students who receive an historical overview of the Holocaust within the context of World War II and then relate this information to examples of racism, genocide and hatred today.

- Committee on Race Relations and Cross Cultural Understanding: A Rock Against Racism Concert for youth to acknowledge the Day to Eliminate Racial Discrimination, March 21.

- East Prairie Metis Settlement: Workshops were developed to deal with discrimination. In addition, information packages and resources and contacts were provided to support the workshops among youth, adults and elders.

- Institute for the Advancement of Aboriginal Women: *The Rights Path – Alberta* booklet was updated and reprinted. The booklet will be used in workshops, seminars and educational settings to provide information to the Aboriginal population on their rights and responsibilities as individuals.

- Northern Alliance on Race Relations: Anti-Racism In-service Education will be offered to Alberta teachers. These workshops will assist them to practice inclusiveness in their classrooms. Participants will examine school policies to detect bias and racism. They will develop strategies to work effectively with parents to improve race-relations, and will leave the workshop with hands on tools and an action plan for their individual use on race-relations.

253. The Cultural Diversity Institute (CDI) was established in 1998 through an agreement between the University of Calgary and the Government of Alberta, Ministry of Community Development. The CDI has a provincial mandate "to create and disseminate knowledge and information regarding cultural diversity and its effects on human interaction, and to look at ways of developing a greater understanding and appreciation for the knowledge, skills and attitudes necessary to fully realize the benefits of cultural diversity."

254. The Alberta Youth Leadership Program was developed as a result of concerns expressed by the Native Justice Initiatives Unit of the Department of Justice regarding the high percentage of Aboriginal youth in conflict with the law. Alberta's Future Leaders' Programme is designed to use sport, recreation, arts, drama, and leadership development as both prevention and intervention to address the needs of Alberta's Aboriginal youth. Programmes include wilderness/adventure camps, a touring arts programme, mentor/leadership activities and sport and recreation programmes.

255. The Alberta Foundation for the Arts supports the arts in Alberta and provides funding to events and activities such as the National Aboriginal Day Festival, Fort Whoop-Up Interpretive Society in Lethbridge and heritage festivals organized by Alberta's ethnic communities which promote interracial understanding and harmony and encourage awareness of Aboriginal and other cultures.

256. The Sport and Recreation Branch provides annual funding to the Indigenous Sport Council (Alberta) (ISC(A)). The ISC(A) is committed to Indigenous Youth and has tirelessly worked to bridge the relationships between non-indigenous education, sport and recreation systems and ISC(A) programming.

257. Alberta Community Development is responsible for the First Nations Development Fund, arising out of the First Nations Gaming Policy. The Department commenced ongoing discussions with the First Nations of Alberta about the administrative and management parameters for the First Nations Development Fund.

258. Community Development Volunteer Services Branch worked with Alberta First Nations and Metis in facilitating and training through various projects involving strategic and long range planning, and board development topics. The branch has worked with First Nations Bands, with the Metis Nation of Alberta, with Metis Settlements and Metis locals, with aboriginal non-profit/volunteer organizations, and with other individuals or projects involving the aboriginal population. The branch also worked with other government

departments on Aboriginal initiatives such as the Native Education Review conducted by Alberta Learning.

259. The *First Nations Sacred Ceremonial Objects Repatriation Act*, the first legislation of its kind in Canada, received Royal Assent in May 2000. This legislation allows for the return of ceremonial objects to First Nation communities of origin, upon request. This initiative is now in its second phase, involving extensive consultations leading to the development of First Nation community-sanctioned regulations through which the repatriation process will continue.

260. The Ethnology Programme at the Provincial Museum is directly involved in managing 16,000 artifacts, a number of which are Aboriginal sacred ceremonial objects. Ethnology Programme staff provide direct and essentially daily service to Aboriginal communities, in managing these collections and ensuring that they are accessible to Aboriginal people. Much of the Ethnology Programme is currently devoted to loan and repatriation issues directly affecting First Nations People and connected with *First Nations Sacred Ceremonial Objects Repatriation Act.*

261. The Siksika Nation received funding under the Centennial Legacies Grant Programme to construct a new museum and cultural centre to house and display their significant collection of historic Blackfoot materials. The Centennial Legacies Grant Programme provides funding for communities to construct new facilities or renovate existing facilities which will leave a lasting legacy in commemoration of Alberta's 100th anniversary.

262. The Ministry played a lead role in directing Cabinet's attention to problems related to abandoned human burials and gravesites in Alberta, many of which contain remains of Aboriginal people. The Ministry will continue to play a lead role on the interdepartmental working committee to provide resolutions to these issues.

263. The Provincial Museum of Alberta, Syncrude Canada Ltd. and the National Aboriginal Achievement Foundation continue to jointly fund a summer internship programme for Aboriginal people interested in pursuing a career in Museum or Historical Resource management.

Saskatchewan

264. Saskatchewan's submission to Canada's fifteenth and sixteenth reports updates to May 2001, the information contained in Canada's previous reports.

Article 2 : Policy and programme initiatives

The Saskatchewan Human Rights Commission

265. The Saskatchewan Human Rights Commission continues to be the agency responsible for administering and promoting the *Saskatchewan Human Rights Code*.

266. Amendments to the *Saskatchewan Human Rights Code* were proclaimed in November 2001. The amendments replace the ad hoc board of inquiry system with an independent human rights tribunal panel consisting of at least three members, serving five year terms.

267. The amendments streamline the complaint process. The Saskatchewan Human Rights Commission can tailor procedure to different types of complaints and adapt procedures as appropriate. The Chief Commissioner, rather than the full Commission, can approve settlements, dismiss complaints, grant exemptions and refer complaints to the human rights tribunal. The Commission can defer investigation of a complaint if the substance of the complaint could be dealt with more appropriately under another statute or proceeding. The Chief Commissioner can dismiss a complaint if the complaint raises no significant issue of discrimination, is made in bad faith, is made for improper motives, or where the substance of the complaint has been dealt with more appropriately under another statute or proceeding. A complainant who disagrees with a decision to dismiss a complaint can apply to the human rights tribunal for a hearing; if the tribunal agrees to a hearing, the complainant then assumes carriage of the complaint either in person or through a lawyer.

268. The amendments also enhance the enforcement and remedy provisions of the Code. They increase the maximum award for compensation for injury to feelings or self-respect from $5,000 to $10,000. The Chief Commissioner can monitor compliance with an order where the tribunal includes this as part of an order.

Employment Equity

269. Employment equity is a plan of action for the public service workplace to ensure all members of society have fair and equal access to employment opportunities. It involves developing special measures and removing barriers to employment for groups currently under-represented in the workforce.

270. The Government of Saskatchewan has an employment equity plan with three primary goals:

- to eliminate employment barriers caused by discrimination and disadvantage;
- to remedy the effects of, and prevent future, discrimination and disadvantage; and
- to create a workplace that reflects the equitable distribution of designated groups in the labour market.

271. The four designated groups addressed by the Employment Equity Program are women in management and non-traditional jobs, persons of Aboriginal ancestry, persons with physical or mental disabilities, and members of visible minority groups.

272. Government departments, supported by senior management, employment equity committees, and the unions, implement actions to improve the recruitment, promotion and retention of the designated groups. These actions include:

- Recruitment strategies:
    - broad outreach initiatives with the designated group communities such as educational institutions, multi-cultural organizations, and support organizations;
    - maintenance of an inventory of resumes to support hiring managers in their recruitment efforts;
    - an Aboriginal Internship Program, to enhance access to careers in the public service, with planned job rotation and learning and development opportunities; and
    - elimination of systemic barriers in job descriptions, the recognition of foreign credentials, and the acceptance of transferable skills and competencies.

- Retention strategies:
    - implementation of an Anti-Harassment Policy. Training sessions are provided and a process is in place to handle complaints fairly and efficiently;
    - establishment of policies which recognize the need to balance work and family responsibilities;
    - development of an education and awareness programme, 'The Road to Equity', which is used for departmental training; and
    - tuition and book reimbursement, developmental job rotations, and special work assignments.

273. The Aboriginal Government Employees' Network (AGEN), established in 1992, is an organization that is working to increase the employment and retention of Aboriginal people in government. AGEN encourages the goal of achieving a representative work force in communities throughout Saskatchewan.

274. The Saskatchewan Visible Minority Employees' Association (SVMEA) was established in 1997 to assist visible minority employees in the provincial executive government and provincial Crown corporations who are encountering barriers within their work places, such as hostility, stress through harassment, isolation and exclusion, and stereotyping of their abilities based on group membership.

Women's Secretariat[7]

275. In November 1999, the Women's Secretariat published a *Profile of Aboriginal Women in Saskatchewan*. This document compares the situation of Aboriginal women and men, and Aboriginal and non-Aboriginal women. It provides information concerning First Nations women living on and off reserves, and Métis women. Issues covered include: demographics, education, employment, income, housing, families, violence and health. The document has been distributed to Aboriginal organizations, Aboriginal women's groups, government and research institutes. It is available online at: http://www.swo.gov.sk.ca/pub.html#ProfAbWomen .

276. 1996 Census data, and some more recent data from other sources, was used to prepare statistical updates on the status of Aboriginal, visible minority and immigrant women.

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[7] The Women's Secretariat was merged with the Department of Labour on April 1, 2002, and is now the Status of Women Office, Saskatchewan Labour.

Statistical updates can be found at:
http://www.swo.gov.sk.ca/Vis%20Min%20factsheet%20final.pdf
http://www.swo.gov.sk.ca/Immigrant%20women%20final.pdf
http://www.swo.gov.sk.ca/Aboriginal%20women%20final.pdf .

277. While some Aboriginal women are achieving success in education and employment, the socio-economic status of Aboriginal women remains low, and major problems continue to be experienced in housing, family situations, family violence and health. The current self-revitalization of the Aboriginal community and traditional values, coupled with initiatives in self-government, hold promise for the future. Aboriginal women still face challenges in having their voices heard within Aboriginal organizations and in society in general. Aboriginal women, men, girls and boys, continue to experience racism in society.

278. Some visible minority women are from families that have been Canadians for several generations. Others are more recent immigrants to Canada. Recent immigrants to Canada are more likely to be from visible minority groups, compared to the earlier waves of immigration from Western and Eastern Europe. Racial discrimination and harassment continue to be experienced by both long-time and new Canadians.

279. Statistically, visible minority people are polarized economically at the higher end of the pay scale spectrum and at the lower end. For visible minority group members that are immigrants, this reflects the type of immigrants allowed into Canada - professionals who fill a labour force need in the province, or those who immigrate based on humanitarian grounds.

280. Despite their higher levels of education, Saskatchewan women who are members of a visible minority group are concentrated in low paying service sector industries. More than half of visible minority women over the age of 15 have annual gross incomes of less than $10,000. Lack of recognition of foreign credentials is an important factor in lower earnings.

Labour

Demography

281. The Department of Labour does not collect statistics respecting the race, ethnicity, or primary language of Saskatchewan workers, but there is strong anecdotal evidence to support the contention that visible minority workers and workers of Aboriginal ancestry are underrepresented in Saskatchewan's labour force. Migrant labour is not a significant issue in the province.

282. The Saskatchewan Public Service Commission maintains statistics respecting the proportional representation of provincial government workers who self-declare as members of the following "designated groups": visible minorities, persons of Aboriginal (Indian, Métis and Inuit) ancestry, people with disabilities, and women in management or non-traditional occupations.

The Labour Standards Act, 1978

283. *The Labour Standards Act* (LSA) mandates workplace standards. It protects individuals from employer retaliation for reporting victimization due to race.

284. Section 74(1) of the LSA provides:

> 74(1) No employer shall discharge or threaten to discharge or in any manner discriminate against an employee because the employee:
>
> (a) has reported or proposed to report to a lawful authority any activity that is or is likely to result in an offence pursuant to an Act or an Act of the Parliament of Canada: or
>
> (b) has testified or may be called on to testify in an investigation or proceeding pursuant to an Act or an Act of the Parliament of Canada.

285. The penalties for breaches of the LSA are: a fine of not more than $2,000 for a first offence; and, in the case of an offence committed within six years after conviction for an offence, a fine of not more than $5,000 for a second offence and a fine of not more than $10,000 for a third or subsequent offence.

The Occupational Health and Safety Act, 1993

286. Under *The Occupational Health and Safety Act, 1993* (OHSA), employers have a general duty to protect their workers from harassment. Section 3(c) of the OHSA reads:

> Every employer shall:
>
> (c) ensure, insofar as is reasonably practicable, that the employer's workers are not exposed to harassment at the place of employment;

287. The OHSA also prohibits workers from engaging in harassment. Section 4(b) of the OHSA states:

> Every worker while at work shall:
>
> (b) refrain from causing or participating in the harassment of another worker;

288. Assuming that an incident of harassment did not result in death or "serious injury", under section 58(4) the penalty assessed would be:

(a) for a first offence:

(i) that is a single, isolated offence, to a fine not exceeding $10,000;

   - (ii) that is a continuing offence:
     - (A) to a fine not exceeding $10,000;
     - (B) to a further fine not exceeding $1,000 for each day or portion of a day during which the offence continues;
- (b) for a second or subsequent offence:
  - (i) that is a single, isolated offence, to a fine not exceeding $20,000;
  - (ii) that is a continuing offence:
    - (A) to a fine not exceeding $20,000;
    - (B) to a further fine not exceeding $2,000 for each day or portion of a day during which the offence continues.

289. Saskatchewan Labour's Prevention Services Branch has worked with Saskatchewan Education[8] to have information pertaining to workers' rights and responsibilities included in the Practical and Applied Arts component of the province's high school curriculum.

290. To ensure that youth of Aboriginal ancestry are apprised of their rights and responsibilities under provincial labour legislation, Saskatchewan Labour delivers education and awareness activities through its *Ready for Work – Aboriginal School Pilot Project*. This has included presentations at on-reserve schools. (The Department also will deliver this training package, which focuses largely on the provisions contained in the LSA and OHSA, to any client group upon request).

291. Saskatchewan Labour's Employment Equity Committee hosts an annual internal awareness event to commemorate the International Day for the Elimination of Racial Discrimination. This is one of four annual in-house events the committee holds to encourage the hiring, retention and promotion of equity-seeking group members, including Aboriginal and visible minority workers.

Aboriginal Affairs

292. In 1992, the former Indian and Métis Affairs Secretariat[9] developed the Aboriginal Employment Development Program (AEDP) as a response to the changing needs of the Aboriginal population. The AEDP is designed to take a bilateral, pro-active integrated and focussed approach to promote Aboriginal training and employment in Saskatchewan. The AEDP initiated the Representative Workforce Strategy that is based on the principles of developing partnerships with employers, integrating Aboriginal people into the workforce, and creating an equal playing field.

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[8] The Departments of Education and Post-Secondary Education and Skills Training were merged into one Department, Saskatchewan Learning, in 2002.

[9] Now Saskatchewan Government Relations and Aboriginal Affairs

293. An important aspect of the partnership process is the creation of "fair workplaces" which are ready to hire and retain Aboriginal employees in an atmosphere of mutual respect. Through the use of cultural awareness training, delivered by Aboriginal persons, misconceptions and stereotypes can be reduced in workplaces. Close to one thousand senior managers and supervisors have received cultural awareness training and the demand for training at all employee levels in both the private and public sector continues to grow.

294. The partnership process is beneficial for all involved. It creates meaningful employment opportunities for Aboriginal people leading to less reliance on provincial support services while meeting many of the current and future staffing needs of employers. The partnerships help create diverse workplaces built on co-operation and mutual respect while improving human resource management in organizations. Finally, the partnerships are good for business as they help organizations become better equipped to respond to a growing Aboriginal clientele.

295. Aboriginal Affairs is involved in 40 partnerships with public and private sector employers, Aboriginal and non-Aboriginal educational institutions, organized labour, Aboriginal organizations and government.

Environment and Natural Resources

296. Strategic Plan for Workplace Diversity: This policy initiative provides the guidance and direction within Saskatchewan Environment and Resource Management (SERM)[10] as the Department strives to create a more representative, diverse workforce. Activity highlights have included: partnership projects with the Saskatchewan Indian Federated College (SIFC); establishing a corporate recruitment goal of 50 per cent of all levels and types of staff vacancies to be designated first to employment equity groups in 1999 and in 2000; advancing the Aboriginal Affairs Policy Framework which aims at engaging Aboriginal people in developing consultation processes, relationships and partnerships that will meet everyone's interests; providing the Aboriginal Cultural Awareness Program to more than 300 employees; and engaging a Workplace Diversity Consultant to work directly with managers to build capacity to recruit and retain people who offer diversity to SERM's workforce.

297. The Aboriginal Advisory Committee (AAC) has been established as a new and influential standing committee of SERM Aboriginal employees with the purpose of providing SERM Executive Committee, the Public Involvement and Aboriginal Affairs Unit and the

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[10] Now Saskatchewan Environment

Corporate Development Unit with advice on corporate issues and policies that impact on Aboriginal communities and employees; addressing issues that may be identified by the Employment Equity Committee that are specific to Aboriginal employment; liaising with the Aboriginal Government Employees Network (AGEN); providing support and acting as advisors and models to other Aboriginal employees; and monitoring progress of SERM's Aboriginal programme.

298. In 1999 SERM expanded its existing partnerships with the Federation of Saskatchewan Indian Nations (FSIN) and the Métis Nation of Saskatchewan (MNS) which has had the effect of adding 13 positions to the environment and resource management personnel in the province who work alongside SERM staff.

299. SERM, in consultation with communities, Tribal Councils and First Nation Police Management Boards, has developed a programme which uses alternative methods and a restorative approach in dealing with individuals charged with renewable resource offences. It focuses on problem-solving, community needs and reintegrating the offender. A similar programme is currently under development between SERM and the Métis community.

300. With respect to the aboriginal business development, SERM has been actively promoting models of partnership among industries, government and Aboriginal peoples and northern communities. Some examples of the sectors that have experienced positive impact from these partnerships include: forestry, provincial parks, northern fisheries, and outfitting.

Agriculture

301. Saskatchewan Agriculture and Food[11] has established a cross-branch team on Aboriginal Economic Development to enhance the Department's ability to partner with, provide services to, and encourage and support the participation of the Aboriginal community in the province's agricultural sector. Every Branch is represented on the team, facilitating the integration of this strategic objective in all aspects of the Department's programming and delivery.

Justice

302. The Strategic Plan of the Department of Justice includes an Aboriginal core strategy: "The justice system responds to the needs and values of Aboriginal people and contributes to a more inclusive society". To accomplish this goal, Saskatchewan Justice works

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[11] Now Saskatchewan Agriculture, Food and Rural Revitalization

cooperatively with Aboriginal governments and organizations to provide Aboriginal justice programmes, such as:

- Community justice programmes involve crime prevention, public education, resolving community conflict, and alternative measures. 67 of the 72 First Nations in the province are involved in these programmes. The Aboriginal Justice Directorate of Justice Canada supports these programmes as well as adult alternative measures programmes offered by Aboriginal organizations in some urban areas.
- The Saskatchewan Aboriginal Courtworker Program helps accused people who are going through the criminal justice system by providing support to the accused, accompanying them to court dates, and explaining court proceedings to them. Currently, services are offered in 76 percent of court locations across the province by 27 courtworkers employed by 14 Aboriginal carrier agencies.
- First Nations Policing Programs involve Aboriginal communities in making decisions about the type of policing they would like in their communities. Currently there are 30 Community Tripartite Agreements with 45 First Nations that cover about 75 percent of the on-reserve population of the province. Pursuant to these agreements, police management boards provide community input to the police, and Elders work with the RCMP for culturally sensitive policing. Work is also occurring to develop community police boards in northern Saskatchewan, and to develop the File Hills Police Service, which is in the process of becoming a self-administered First Nations police service.
- Eight Aboriginal Family Violence initiatives help Aboriginal families deal with violence and abuse. The Department also supports eight Aboriginal Resource Officer Programs that help Aboriginal victims of crime and their families by providing information, support and referrals to other programmes.
- Six crime prevention initiatives focus on the needs of Aboriginal people in urban centres.

303. Adult Corrections[12] entered into an agreement with the Prince Albert Grand Council in January 1997 to operate a Spiritual Healing Lodge for 25 provincial, low security offenders on the Wahpeton Reserve land, immediately adjacent to the City of Prince Albert. Corrections also maintained an agreement with the File Hills Tribal Council of

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[12] In April 2002, a new Department of Corrections and Public Safety was created, bringing Adult and Youth Corrections into one Department.

Fort Qu'Appelle to provide Probation Services for four First Nations Communities. Further, Corrections developed a Cultural Diversity Model as part of the Induction Training for all new institutional Corrections staff.

304. The Aboriginal and Northern Justice Initiatives Branch was created in 2000. It is involved in a variety of projects related to justice issues in northern Saskatchewan and involving Aboriginal peoples throughout the province. The Branch's work includes building community trust and confidence in the justice system and establishing positive working relationships between Saskatchewan Justice, Aboriginal communities and other stakeholders, as well as providing policy advice and helping other Branches develop Aboriginal justice initiatives.

305. Cree Court -- On October 1, 2001, a Cree-speaking Circuit Court Party was established in four Provincial Court locations in northern Saskatchewan. The court party travels out of Prince Albert and includes a Cree-speaking judge, prosecutor, a Cree Legal Aid counsel, two Cree-speaking court clerks, one of which serves as an interpreter, and a Cree-speaking probation officer. This Cree Circuit Court Party attends court eight days a month at Sandy Bay, Pelican Narrows, Big River First Nation and Montreal Lake.

306. Circle Court -- In September, 2001, a "circle court" was set up in the Saskatoon Provincial Court. This circle courtroom is used regularly as a therapeutic court for the victims and families of youth involved in crime. One of the purposes of this youth circle court is to respond to the rising level of youth recidivism and incarceration in Saskatoon. Many of the youth who accept responsibility or are convicted after trial have complex backgrounds. The youth circle court provides a more informal and relaxed environment for examination of background factors such as family life, educational status, community and professional supports. The Prince Albert Provincial Court facility in Prince Albert also has a circle court for carrying out sentencing circles and other forms of court processes that are therapeutic in nature.

307. Court on Reserve -- The Chief Judge of the Provincial Court and Court Services have developed a protocol for the establishment of Court on Reserve. Court is presently held on Reserve at nine locations.

308. On November 15, 2001, the Saskatchewan Minister of Justice announced the establishment of a Commission on First Nations and Métis Peoples and Justice Reform. The goal of the Commission is to identify efficient, effective and financially responsible reforms to the justice system. The objectives of these reforms are to reduce offending and victimization, leading to reduced incarceration and safer communities for First Nations and Métis peoples. The Commission has been holding public hearings and accepting submissions about reforms to the justice system. It can consider all components of the justice system including policing, courts, prosecutions, alternative measures, legal aid,

corrections, community corrections, youth justice, community justice and victims services.

Social Services

309. The Department of Social Services has had general responsibilities in the areas of income security, child welfare, young offenders, and services to people with intellectual disabilities[13]. Analysis of movement through department programs shows a clear path from child welfare, to young offenders involvements, to social assistance dependency as adults. In child welfare caseloads, Aboriginal people are strongly over-represented. The Department of Social Services is engaging in child welfare redesign to address these issues. This is in its early stages and progress will be reported under the submission of Canada's report on the *Convention on the Rights of the Child*.

310. Criminal law in Canada is governed by federal legislation, but administered by provincial courts. This is true of youth as well as adult justice, although youth justice is governed by separate legislation. Young offender programme caseloads are predominantly Aboriginal, reflecting a high degree of marginalization and dysfunction in both on-reserve and urban Aboriginal communities. The federal government will be implementing a new *Youth Criminal Justice Act* (YCJA) April 1, 2003, to replace the *Young Offenders Act*. The Department of Social Services[14] has advocated changes to make the legislation more responsive to the rehabilitation and reintegration of offending youth, particularly Aboriginal youth, as well as communities and crime victims.

Health

311. Saskatchewan Health is involved with First Nation partners in the delivery of health services in targeted areas of the province. Over the past year, leaders from the two northern health districts, the Athabasca Health Authority, Northern Inter-Tribal Health Authority (which is made up of Saskatchewan's northern First Nations) together with Saskatchewan Health have begun the development of a Northern Health Strategy. The strategy will be based on a holistic approach to health, emphasizing prevention, and will strive to respect the complex jurisdictional issues in the North (i.e. First Nations, Métis, health districts, provincial and federal governments).

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[13] In April 2002, a new Department of Corrections and Public Safety was created, bringing Adult and Youth Corrections into one Department. When responsibility for young offenders was transferred from Social Services to Corrections and Public Safety, Social Services assumed responsibility for government housing programs and career and employment services.

[14] Now the Department of Community Resources and Employment.

312. Saskatchewan Health has also been working to develop a more representative workforce within the provincial health sector. Since 1999, twenty health employers and the Department have signed Representative Work Agreements. For the first time a major union representing health workers, the Canadian Union of Public Employees (CUPE), included in their contract a commitment to train and recruit Aboriginal workers throughout the health system. It has also initiated workplace readiness training as one strategy for preparing the workplace for the growing number of Aboriginal employees. Approximately 1,000 Aboriginal people have been hired in the health sector as part of the partnerships, with another three hundred people being trained.

313. During 1999-2000, Saskatchewan Health began work with the Athabasca Health Authority and Northern First Nations communities to plan and develop a new health facility in Stony Rapids, to serve residents of the Athabasca Basin.

314. In 2000, the Province of Saskatchewan developed a provincial action plan designed to address issues for Métis and off-reserve First Nations people living in Saskatchewan. This strategy has as one of its broad goals, the enhancement of individual and community well-being. Saskatchewan Health has undertaken several initiatives to pursue this goal, including hiring a diabetes coordinator to work with health districts, with some priority given to the high incidence of this disease among the province's Aboriginal population.

Article 7 : Education, Culture and Information

Education

315. During the 1999-2000 school year there were 188,594 Kindergarten to Grade 12 students in Saskatchewan's provincially funded education system. About 45,000 Saskatchewan Aboriginal persons are school-aged, representing about 20 percent of the province's entire school-aged population. Estimates show that by 2015, close to one-half of the children entering school in Saskatchewan will be of Aboriginal descent. A significant number of these children will be attending provincial schools.

316. Education in Saskatchewan is based on a commitment to address the needs of individual learners and to provide equitable opportunity and benefit for all students. The Goals of Education for Saskatchewan include affirmation of the worth of every individual and a respect for the diversity in values, behaviours, culture and lifestyle. The diversity of Saskatchewan's population means that the needs of the children and youth in the province are many and varied. It is recognized that some students require additional supports and specialized services in order to achieve full benefit from programmes. Planning and systemic approaches must be taken to address the needs and ensure equity of opportunity

and benefit for all students. Listed below are key examples to illustrate the scope of these activities.

Equity in Education Forum

317. In 1997, the Equity in Education Forum, consisting of representatives from the Saskatchewan School Trustees Association, the League of Educational Administrators and Directors, the Saskatchewan Teacher's Federation, Saskatchewan Education[15] and the Saskatchewan Human Rights Commission released *Our Children, Our Communities, Our Future: Equity in Education, A Policy Framework*. Following the release of the framework, three additional representatives joined the Forum: the University of Regina Faculty of Education, the University of Saskatchewan College of Education and Gabriel Dumont Institute. The framework provides a comprehensive equity policy for the K-12 education system in the province. In 2001, the Forum released an implementation handbook *Planning for Action*, which provides educators with ideas and suggestions for working within classrooms, schools, and school divisions to discuss, plan and take concrete steps toward ensuring that all youth have equitable opportunity. The Forum sponsors an annual equity seminar for administrators and teachers in the provincial education system.

Special Education

318. The Special Education Unit has worked on a policy framework, *Supporting Student Diversity Policy Framework*[16] that is a foundational publication for a renewed and strengthened focus on nurturing student diversity. This document uses the language of diversity to acknowledge that differences are to be expected, respected and planned for. The diversity in environment, cultures, heritage, language, abilities and needs is a driving force for the development and implementation of relevant and personalized curriculum, instruction and supports.

319. The Caring and Respectful Schools Initiative was launched in Fall 2000. In collaboration with the educational partners, a provincial framework is being developed to assist schools in providing a caring and respectful learning environment for all children. Key elements include:

- strategies to promote school culture and climate affirming the philosophy of inclusion, respect of diversity and strengthening student voice;

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[15] The Departments of Education and Post-Secondary Education and Skills Training were merged into one Department, Saskatchewan Learning, in 2002.

[16] Renamed *The Children's Services Policy Framework*, and released in Fall, 2002.

- Saskatchewan Education Core Curriculum to promote the acceptance of diversity and the development of personal and social values and skills necessary for positive relationships, dealing with discrimination, resolving conflict and the handling of emotions;

- prevention and intervention resources and strategies to deal with issues related to discrimination, harassment, bullying and school violence; and

- framework for developing positive expectations for behaviour that is accepted and modeled by all members of the school community.

320. In 2001, provincial funding recognition was allocated to school boards through Diversity Recognition to support all aspects of student diversity. In recognition of the Caring and Respectful Schools Initiative, Saskatchewan Education was invited to join the League of Peaceful Schools at a ceremony in June 2001.

The Indian and Métis Education Development Programme (IMED)

321. The Indian and Métis Education Development Programme (IMED) was established in 1984 to encourage school divisions to provide innovative, responsive and culturally-affirming initiatives to help Aboriginal students to succeed in school. Within the IMED Programme, the Aboriginal Elder/Outreach Program encourages relationship building between school divisions and the Aboriginal community and encourages school divisions to bring Aboriginal resource people, such as Elders and outreach workers, into schools.

Community Schools Program

322. The Community Schools Program was first established in 1980 when 11 schools were designated in urban areas. Community Schools are characterized by a broad array of parent and community partnerships that support the learning programme and include a strong cultural component. In 2001-02, the Community Schools programme was expanded to include high need secondary schools, rural elementary and additional urban elementary schools for a total of 83 funded Community Schools.

323. The Northern Community Schools Program was developed in 1996 to respond to the unique needs of students in the North. Within this programme, 10 schools have been designated and five smaller schools have enhanced programming to reach the 80 percent Aboriginal population and provide culturally appropriate programming, increased parental involvement, community development and integrated services.

Integrated Services

324. The Integrated Services Program provides funding to school divisions for holistic, coordinated human services to support at-risk students and their families. The programme supports over 45 initiatives including programmes and services at Battlefords School Retrieval Program and West Flat Wraparound Project in Prince Albert, Saskatchewan.

English as a Second Language

325. The Foundation Operating Grant provides funding through the English as a Second Language Programme for students not speaking English as their first language.

Curriculum and Evaluation

326. Since the 1980s, specific efforts have been undertaken to ensure that curriculum and evaluation initiatives accurately reflect and respond to the needs of Aboriginal peoples. Initiatives include Aboriginal content and perspectives in all curricula; Native Studies classes 10, 20, and 30; and collaboration with the Federation of Saskatchewan Indian Nations to ensure that the scope and sequence of curricula adequately reflect Aboriginal culture, values and history. An Indian languages partnership is in place with Prince Albert Grand Council. Holistic assessment techniques have been developed and information related to education equity is reported annually in the *Saskatchewan Education Indicators Report*; accurate and appropriate curriculum materials are identified and resources are evaluated from the Aboriginal perspective; appropriate Saskatchewan Communications Network programming is selected; and Indian languages partnerships are in place.

327. The Aboriginal Education Staff Development Program provides inservice to teachers on the incorporation of Aboriginal content and perspectives and the use of effective instructional strategies.

The Aboriginal Education Provincial Advisory Committee (AEPAC)

328. The Aboriginal Education Provincial Advisory Committee (AEPAC) plays a strong and positive role in making recommendations for improving the Core Curriculum, educational programmes, partnership initiatives, equity issues and policy. In 2000 the document *Aboriginal Education Provincial Advisory Committee Action Plan 2000-2005* was released and provided a blueprint for a renewed commitment to Aboriginal education in light of urgent Aboriginal education needs.

329. Saskatchewan Education actively promotes and encourages educational partnerships with Aboriginal organizations and educational authorities at the provincial, regional and local level. Such partnerships involve shared planning, shared decision making, shared management and shared governance. The Department also plays a consultative role in teacher education programmes and accreditation has been extended to teachers in First Nations schools.

The Role of the School Task Force

330. The Role of the School Task Force, appointed by the Minister of Education, was established in May 1999. Following an extensive consultation and information-gathering process, the final report of the Task Force made 97 recommendations. Those that speak specifically to racism include:

- Aboriginal Education: That the Saskatchewan education community continue to provide cross-cultural education and anti-racist programmes for both students and educators and that Saskatchewan Education continue to support its Aboriginal Unit, as well as Native Studies, language and cross-cultural courses across the province. Further, that the universities support their Colleges of Education to create specialist Aboriginal Units and increased hiring of faculty of Indian and Métis ancestry.

- Character Education: That notwithstanding the complexities associated with character education, the Saskatchewan education community reaffirm the role of the school in this area and re-examine and update the Common Essential Learning: Personal and Social Values and Skills, encouraging students to think critically about their environment, the importance of world views, differences of tradition and belief and strongly nurture values of respect and tolerance. Further, that Saskatchewan Education and the other educational partner organizations launch a major curricular issue focusing on character formation and education.

Post-secondary Education and Skills Training

331. The vision of Saskatchewan's post-secondary education and skills training sector is that, through continuous learning, all Saskatchewan people will have the knowledge, skills and abilities to benefit from, and contribute to, society and the economic prosperity of the province. The draft Saskatchewan Post-Secondary Education, Training and Employment Services Sector Strategic Plan highlights the importance of increasing the participation of under-represented groups such as Aboriginal people, people with disabilities, visible minorities, and the unemployed to enhance their employability and contribute to a representative workforce.

332. One of the most important demographic shifts in Saskatchewan's labour market will occur in the Aboriginal proportion of our population. The Department of Post-Secondary Education and Skills Training is working with First Nations and Métis governments, community organizations, the federal government and other sector partners to develop and implement an Aboriginal Education and Training Action Plan. The Action Plan will begin to address the current gap in, and growing demand for Aboriginal education and training in the province. Three goals of the Plan are to:

- enhance the successful entrance and completion of primary, secondary and post-secondary education for Métis and First Nations people;
- prepare Métis and First Nations people to participate in a representative provincial workforce; and
- ensure representative workforce participation by Métis and First Nations people in the provincial economy.

333. Post-secondary institutions and the department have developed a five-year Technology Enhanced Learning (TEL) Action Plan to increase the use of technology for learning, and enhance the access of education and training in rural and northern communities. The TEL framework includes as one of its priorities enhancing Métis and First Nations peoples' education and training.

334. The Saskatchewan Urban Native Teacher Education Program (SUNTEP), the Northern Teacher Education Program (NORTEP), and the Northern Professional Access College (NORPAC) all promote access to post-secondary education and training for Aboriginal people in a culturally sensitive environment. NORTEP provides teacher training in Northern Saskatchewan. NORPAC, which is offered along with NORTEP, provides the first two years of an Arts and Science University degree program. Both programs are offered to Northern residents of Saskatchewan who are primarily Aboriginal. SUNTEP provides teacher training for Aboriginal residents in three locations: Regina, Saskatoon and Prince Albert.

335. The Saskatchewan Student Assistance Program provides repayable and non-repayable needs-based financial assistance to supplement the Canada Student Loan for full-time post-secondary students. This program features a *Special Incentive Plan*, which provides additional loan assistance, supplementary bursary assistance and loan remission to eligible students from disadvantaged groups, including non-Status Indian or Métis. Further information on income support to students will be included in the report on the *International Covenant on Economic, Social and Cultural Rights*.

336. Post-Secondary Education and Skills Training has partnered with other agencies in two long-term training initiatives to improve the employment opportunities for people in the northern half of the province, most of whom are Aboriginal people:

- The Multi-Party Training Plan (MPTP) is an agreement between partners and stakeholders involved in the mining industry, and includes government, mining companies, training institutions, and Aboriginal organizations
- The Forestry Training Agreement is new and is being modeled after the MPTP approach. Industry, training institutions, government, and Aboriginal organizations will identify training priorities and contribute funding for training leading to employment in the forestry sector.

337. The Saskatchewan Apprenticeship and Trade Certification Commission is an industry-led agency which works to improve the inclusion of under-represented groups by ensuring representative work-force objectives and performance measures are included in its multi-year strategic plan and reporting systems. The Commission also works to increase its partnerships with industry, equity groups, Aboriginal post-secondary institutions and organizations, students, and communities to increase access to apprenticeship training and certification programmes. A Northern Apprenticeship Committee was established to promote and co-ordinate an apprenticeship training programme flexible enough to meet the unique challenges of the northern labour market.

Manitoba

338. This report updates the information contained in the Thirteenth and Fourteenth Reports of Canada under this Convention, with respect to developments in Manitoba between June 1997, and May 2001.

Article 2 : Policy and programme initiatives

339. The Manitoba Government has had an employment equity policy for many years aimed at increasing the numbers of traditionally under-represented groups in the civil service. The Civil Service Commission publishes a manual, *Putting Equity to Work*, to assist managers to understand the legal and social reasons for the policy and to provide practical assistance for the implementation of the policy. As of March, 2002, 9.65 percent of Manitoba Government employees are Aboriginal (up from 6.82 percent in March, 1998 and approaching the long-range target of 10 percent referenced in the last report), 3.56 percent are members of visible minority groups and 2.96 percent are persons with disabilities.

340. The Manitoba Civil Service Commission manages two programmes directed at enhancing opportunities for Aboriginal people in government. The Aboriginal Management Development Program identifies Aboriginal people with high potential who are already in government and offers them an in-depth orientation to government, rotational work assignments, specific training opportunities, support from mentors and other development to enable them to compete for senior positions. The Aboriginal Public Administration Program recruits recent Aboriginal university or college graduates to a career in government by providing a programme of orientation, training and rotational work assignments. Two programme coordinators in the Civil Service Commission dedicate most of their time to working on Aboriginal programming.

341. Through training, outreach and annual conferences dedicated to discussion of Employment Equity, the Manitoba Civil Service Commission promotes recruitment of Aboriginal people and members of visible minority groups. Approaches like direct outreach to communities, examination of job advertisements for barriers, culturally sensitive interview processes, career development and mentoring programmes are promoted.

342. The Commission also offers ongoing education and training in employment equity and in managing diversity in the workplace. Some of the course offerings are "Walk a Mile in

my Moccasins", "Interviewing Aboriginal People", "Cultural Diversity", "Communicating with Aboriginal People", and "Building a Respectful Workplace".

343. In October, 2001, the Civil Service Commission and the Department of Aboriginal and Northern Affairs co-sponsored a conference on Aboriginal employees to encourage networking among Aboriginal civil servants and to hear their suggestions about recruitment and retention of Aboriginal people in government.

344. The Commission works with other departments to develop and maintain policies to support a respectful workplace in the Manitoba Government. Policies dealing with harassment and reasonable accommodation are in place and are widely circulated within the government. Individual departments have issued their own respectful workplace policies in the communications.

345. An example of such departmental initiatives is the Department of Culture, Heritage and Tourism's "Respectful Workplace Policy and Guidelines". That department also promotes understanding of harassment and discrimination through *Harassment is Against the Law*, a six-page fact sheet that explains the policy and guidelines. This fact sheet is given to each new employee hired by the department. It is also available to all employees on the Internet and each year managers are asked to make all their staff aware of the information. Hard copies of the information are provided to those staff not on the managed environment or without access to the Internet.

346. Manitoba Education Training and Youth and Manitoba Advanced Education through the Aboriginal Education Directorate and Amalgamated Human Resources Services Branch are in the process of developing an Aboriginal Human Resources Strategy to reflect employment and retainment of Aboriginal staff and training in Aboriginal awareness for all staff to increase sensitivity to Aboriginal issues and concerns.

347. The Corrections Division of Manitoba Justice has introduced a Statement of Vision, Mandate and Core Values which addresses racial discrimination. The first core value states, "We accept diversity, the unconditional worth and rights of all people". Corrections has taken a number of initiatives to support opportunities for Aboriginal people in this province to obtain employment in this division and to gain promotion from within the service. Twenty percent of all probation officers in Manitoba are Aboriginal. The Division has two Aboriginal staff participating in the Aboriginal Management Development Program. An advisory council of Correction's Aboriginal staff, PITAMA, provides consultation to Correction's management.

348. The Corrections Division has taken initiatives to address the disproportional number of Aboriginal offenders, including:

- Establishment of Community Corrections offices in Aboriginal communities;
- Partnership with Aboriginal organizations to deliver community correctional services;
- Aboriginal Youth Justice committees;
- Aboriginal Elders providing spiritual care in custody facilities;
- Aboriginal cultural programming for offenders;
- Devolution of community correctional services to five Aboriginal communities in the Dakota-Ojibway Tribal Council; and
- Fine Option/Community Service Order resource centres in over fifty Aboriginal communities.

349. The Division also includes in its staffing repertoire Respectful Workplace training which addresses an appreciation of cultural differences.

350. The Manitoba Human Rights Commission continues to operate a proactive educational programme with respect to human rights and in the year 2000, the staff made 110 presentations in schools, businesses, labour organizations and community groups throughout the province. Because "children are the first defence against racism", the Commission, in partnership with the Manitoba Metis Federation, hired a person to teach human rights to elementary school students as a pilot project. The lessons, *We are Different But Equal*, were taught at Margaret Park School in Winnipeg to students in grades three to six.

351. As well, in 2000, the Commission initiated the Manitoba Human Rights Commitment Award in partnership with the Canadian Human Rights Commission and the Community Legal Education Association.

352. That same year, the Human Rights Officer in The Pas (a northern community) worked with a large employer in establishing an Aboriginal Employment Review Committee, to inform Aboriginal workers of their rights and provide them with an avenue of redress should they face discrimination in the workplace.

353. The Commission also assisted the Thompson Citizenship Council Inc./Multi Culture Centre with their book, *Discovering the Many Faces of Discrimination in Northern Manitoba*. This book, based on over two hundred interviews, contains a series of stories chronicling the various forms and scope of discrimination on a day-to-day basis in

Northern Manitoba. The Commission's contribution consisted of commentaries and opinions following each story. The Commission staff in The Pas also assisted with subsequent video and radio segments based on the book.

354. In 1988, Manitoba established the Aboriginal Justice Inquiry, which conducted a lengthy review of the administration of justice, as it impacted upon Aboriginal peoples. There were subsequent, but piecemeal, attempts by government to implement recommendations of that Inquiry. In September 1999, Manitoba set up the Aboriginal Justice Implementation Commission (AJIC), to develop an action plan with respect to those recommendations which had not been addressed. The AJIC issued its final report on June 29, 2001. It can be found at http://www.ajic.mb.ca/reports/final_toc.html. The Government of Manitoba subsequently accepted in principle all of the recommendations of the AJIC report, and as of June 21, 2002, 87 percent of the 54 recommendations directed at the province had been completed or were underway. In the criminal justice area, this has included a significant and new proposal to develop regional Aboriginal probation agencies (to which there has been previous mention). As well, on June 10, 2002, the Government announced its intention to introduce legislation to restructure Child and Family Services in Manitoba through the Aboriginal Justice Inquiry – Child Welfare Initiative. This Initiative establishes four Child and Family Services authorities in Manitoba: the Metis Child and Family Services authority, the First Nations of Southern Manitoba Child and Family Services authority, the First Nations of Northern Manitoba Child and Family Services authority and the general Child and Family Services authority. Each has responsibility to administer and provide for the delivery of child and family services to families who identify with the respective authority. Further information on this Initiative can be located at http://www.aji-cwi.mb.ca.

Article 4 : Prohibition against promotion of racism

355. Section 18 of the Manitoba *Human Rights Code* contains a prohibition against discriminatory signs and statements which can be used, in some contexts, as a tool in the fight against hate messages. In addition, s. 19 of *The Defamation Act* provides a means to combat the publication of group defamation based upon, amongst other things, race or religious creed.

356. The primary vehicle for dealing with hate messages remains, however, the *Criminal Code* of Canada. Local law enforcement agencies enforce the law with respect to hate crimes. While Manitoba's experience has been that there is an insufficient volume of such crimes in places with relatively small populations to justify discrete hate-crimes units, nonetheless successful prosecution of such offences requires utilization of experienced investigators and prosecutors. As a result, allegations of this nature are dealt with by the Serious Crimes Unit (SCU) of the Winnipeg Police Service. More specifically, two

Sergeants are in charge of any hate-crime investigations, and have at their disposal twelve senior investigators from the SCU. Several years ago investigators were provided with hate-crime specific training. A third Sergeant is designated the "cultural liaison officer" for the Unit, and keeps in close contact with those groups most likely to be targeted. Two of the provinces most senior criminal prosecutors have been assigned to provide advice to this Unit, including in situations that may involve hate crimes.

Article 5 : Equality before the law

357. As previously reported, Legal Aid Manitoba has operated an Aboriginal Centre Law Office in Winnipeg for a number of years. This office works together with the Aboriginal community to seek alternatives to judicial court processes and to respond to legal issues unique to Aboriginals in the urban context. It has a number of such legal cases running at this time, some of considerable significance (although they tend to deal less with individual rights than with the amelioration of economic conditions through treaty rights cases).

Article 6 : Effective protection and remedies

358. The Manitoba *Human Rights Code* prohibits discrimination on the basis of ancestry, perceived race, color, nationality, ethnic or national origin, and other grounds. It also protects persons from harassment based on all protected group characteristics in those activities to which the Code applies (principally employment, housing and services available to the public or a section of the public).

359. In its 2000 Annual Report, the Manitoba Human Rights Commission reported that of its 261 formal complaints that year, approximately 50 (or 18.5 percent) were made on the basis of ancestry or national origin. Of the 58 potential complaints that were resolved through a new pre-complaint resolution process, 31 or approximately 53 percent, were based on ancestry/national origin. In 2001, the Commission disposed of a total of 315 complaints, up from the previous year. It appears that this is largely due to a new pre-investigation mediation process which has been established to compliment the pre-complaint resolution process. In all, in 2001 approximately 49 percent of all complaints disposed of were resolved by agreement between the parties.

360. The Commission has also been attempting to decrease the number of complaints which are "withdrawn/abandoned", on the theory that in some cases complainants have grown disenchanted with the process, and have therefore chosen not to pursue their complaint. In 2001, the number of complaints falling in this category had been reduced to 14 percent.

Article 7 : Education, Culture and Information

361. Manitoba Education, Training and Youth continues to pursue its Aboriginal education and training framework, as previously reported. The Summer Institute on Aboriginal Education is now co-sponsored with the University of Manitoba and Winnipeg School Division No. 1.

362. The Aboriginal Teacher's Circle (now Aboriginal Circle of Educators), Manitoba Association of Multi Cultural Education and Manitoba Education, Training and Youth co-sponsored a national Aboriginal Education Conference in Winnipeg, in October, 2000.

363. Manitoba Education, Training and Youth has outlined its strategic priorities for education in the *K-S4 Education Agenda*. Initiatives include:

- the development of an action plan based on equity and diversity. A draft plan was prepared for feedback in the Fall of 2002;
- a review of policies and programming for English as a Second Language learners to help increase the academic achievement of immigrant and refugee students and enhance their opportunities for full participation in Manitoba society; and
- the dissemination of information about strategies effective in improving the success of Aboriginal students in Manitoba schools.

364. Manitoba Education, Training and Youth curricula for Kindergarten to Senior 4 schools include a focus on multi-cultural/anti-racism education, gender fairness, Aboriginal perspectives, and appropriate age portrayals. Reflecting these elements in school learning outcomes, instructional and assessments strategies and learning resources for all subject areas promotes an inclusive education system in the province.

365. The department's teacher support documents also contribute to tolerance and understanding of diversity. "Aboriginal Perspectives" framework is being developed to assist curriculum and course developers with the integration of a variety of prospectives of First Nations, Inuit and Metis people.

366. Manitoba Education, Training and Youth has participated with partner jurisdictions under the Western/Northern Canadian Protocol (WNCP) to develop a common curriculum framework for social studies. A cultural advisory committee assisted in the preparation of this framework, and the development team included Francophone and Aboriginal representatives. The framework emphasizes the critical role that the social studies play in

helping students to develop and act of out a sense of social compassion, fairness and justice, and to value the diversity, respect the dignity and support the equality of all human beings. Manitoba's new social studies curriculum will reflect the inclusive focus of the WNCP framework. In addition, WNCP common curriculum frameworks for Aboriginal language and cultural programmes and international languages help to strengthen multi-cultural and anti-racism in education in Manitoba.

367. The department's Program Development Branch consultant for multi-cultural education works within the Department and with educational stakeholders in the field to support implementation of multi-cultural and anti-racism education initiatives.

Ontario

368. Pursuant to Article 9 of the Convention, this Report sets out the legislative, judicial or administrative policies, programmes and activities of the Government of Ontario in accordance with the objectives of the *International Convention on the Elimination of All Forms of Racial Discrimination* for the period of June 1997 to May 2001.

General

369. Ontario is committed to strong enforcement of the *Human Rights Code*, which provides every person the right to equal treatment with respect to goods, services and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, and other grounds. The Ontario Human Rights Commission is the agency under the authority of the *Human Rights Code* to enforce the right to freedom from racial discrimination.

370. The Commission redesigned its web site (www.ohrc.on.ca) in March 2001. The new site is more user-friendly and accessible and offers information on the complaint process, Commission policies and publications and case summaries. The site features information on racial harassment and provides the complete Policy *on Racial Slurs and Harassment and Racial Jokes*, and the plain language guide, *Racial Slurs and Harassment and Racial Jokes.*

371. Government ministries and agencies have taken steps to comply with the Ontario Public Service Workplace Discrimination and Harassment Prevention Policy (WDHP). The Ministry of Natural Resources has continued to actively support this policy by:

- developing an updated training module for managers and supervisors;
- situating 55 trained WDHP Advisors throughout the province. They have been specially trained to provide confidential service to their workers in relation to human rights issues.
- delivering training to all employees by these trained Advisors.

Article 2 : Policy and programme initiatives

Prohibition Against Discrimination

372. In 1997-98, the Ontario Human Rights Commission received a total of 2,193 complaints. Discrimination based on race and related grounds (race, colour, ancestry, and place of origin) accounted for 22 percent of these complaints.[17] For subsequent years, the percentage of race-based complaints (race, colour and ancestry) were as follows: 1998-99: 30 percent of 1,850 complaints; 1999-2000: 29 percent 1,861 complaints; and 2000-2001: 38 percent of 1,775 complaints.

373. The Commission has taken steps internally, to develop research and policy work on the grounds of race, ethnicity and place of origin. Two research papers in particular have been written to explore the area of multiple and intersecting grounds of discrimination and the concept of 'social condition' as a prohibitive ground of discrimination. Preliminary indications show that persons who experience discrimination on more than one ground of discrimination experience the impact in a way that is significantly greater than the sum of the individual parts. The Commission's interest in this initiative is to explore ways of capturing the subtle, multi-layered, systemic and institutionalized forms of discrimination in its day-to-day work and in its policy development process.

374. In February 2000, the Commission also held a Policy Dialogue with other human rights bodies to explore the subject of Social and Economic Rights. A discussion paper was developed to encourage broader discussion on the issue and to identify specific measures that can be undertaken by the Commission within its existing mandate.

375. The Board of Inquiry continues to adjudicate complaints of discrimination referred to it by the Commission.

376. Ministries and government agencies continued to support the corporate principles outlined in the Aboriginal Policy Framework (1996). These include Ontario's constitutional and other legal obligations in respect of Aboriginal people, recognition of the special relationship between the federal government and Aboriginal people, cost-effective service delivery, openness and accountability, and promotion of Aboriginal self-reliance through economic and community development.

377. The government is actively negotiating 20 Aboriginal land claims and other land related matters in Ontario. Since 1995, 11 land claim agreements have been reached.

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[17] The figures for 1997-98 complaints received include place of origin.

378. The Ontario Native Affairs Secretariat, through the Building Aboriginal Economies strategy and Working Partnerships programme, worked with other provincial ministries, Aboriginal communities and organizations, and the private sector to remove barriers to Aboriginal economic development. Work was also done to promote Aboriginal partnerships with the corporate sector, improve access to government programmes and services, and create economic development opportunities and jobs for Aboriginal peoples.

379. The Ministry of the Solicitor General has been involved in the following anti-discrimination initiatives and programmes:

- Filing of the *Police Adequacy and Effectiveness Standards Regulation*, made under the *Police Services Act*, on January 8, 1999, which required compliance with several requirements by January 1, 2001, including:
  - The adoption by police services boards of policies on investigations into hate propaganda and hate/bias motivated crimes; and
  - The development and maintenance by chiefs of police of procedures and processes for undertaking and managing investigations into such occurrences.

- Issuance of the first release of the new *Policing Standards Manual* (2000) in February 2000, containing 58 sample policies and guidelines for police services boards, which includes policies and guidelines on:
  - Investigations into hate propaganda and hate/bias motivated crimes; and
  - The promotion of partnerships between police, community organizations, school boards, victims organizations, and social service agencies, for detecting and addressing hate/bias activities in the community.

- Issuance of the second release of the *Policing Standards Manual* (2000) in November 2000, which includes:
  - Guidelines and sample policies for police services boards on equal opportunity and workplace harassment, in support of the *Police Services Act* requirement for police services boards to have such policies and procedures, and the Act's prohibition against discriminatory and racist behaviour by police officers.

380. The Ontario Provincial Police (OPP) has been involved in the following anti-discrimination initiatives and programmes:

- Establishment of the Select native Liaison Council, to provide strategic guidance and support on aboriginal issues to the OPP commissioner;

- Development of an Aboriginal Youth Leadership initiative to foster and improve leadership skills in Aboriginal youths;
- Participation in ethno-racial and Aboriginal community events to establish long-term partnerships with those communities, and to increase the communities' awareness about OPP recruitment and programmes;
- Participation in the Hate Bias Activity Round Table under the auspices of the Federal government's Secretary of State (Multiculturalism) (Status of Women);
- Provision of access to language interpretation services through OPP communications centres to facilitate communications and to eliminate communications barriers with non-Anglophone members of the public, including many members of ethno-racial communities;
- Provision, in partnership with the Royal Canadian Mounted Police, of Community Justice Training to Aboriginal community groups, to facilitate control by these groups over many justice decisions in their communities;
- Provision of refresher in-service training to all OPP members in a variety of anti-racism and anti-discrimination areas, including the prevention of discrimination and harassment, anti-racism, and the enforcement of hate crimes; and
- Provision of Native Awareness Training courses to OPP members and municipal police services.

381. The AIDS bureau, Ministry of Health and Long-Term Care, currently provides $1.19 million in funding to address the incidence of HIV/AIDS in Aboriginal Communities. An HIV/AIDS strategy for Aboriginal people off-reserve is in its sixth year of implementation.

382. The Aboriginal Healing and Wellness Strategy, with an annual operating allocation of $34 million dollars, is currently in its second five-year phase of implementation. It was developed after extensive consultation with all major Aboriginal and First Nations organizations and approximately 200 communities in Ontario. The Strategy, which has been cited as a model for other jurisdictions in the Report of the Royal Commission on Aboriginal Peoples, is inclusive of all Ontario's Aboriginal peoples--First Nation, Metis and Inuit. Four ministries and fifteen Aboriginal organizations are jointly implementing the Strategy. The programme received renewed funding from its four responsible ministries (Health and Long Term Care, Community and Social Services, the Ontario Women's Directorate and the Ontario Native Affairs Secretariat) to cover April 1, 1999 to March 31, 2004.

383. In the spring of 2001, the Joint Management Committee also assumed responsibility for the management of an Aboriginal Healthy Babies/Healthy Children programme with a 2001 - 2002 allocation of $6.7 million.

384. The Ministry of Community and Social Services has developed a comprehensive training curriculum for all new child protection workers. The Association for Native Child and Family Services is revising and expanding the curriculum to ensure that all new protection workers in the province have culturally appropriate knowledge and demonstrated skills to work more effectively with Aboriginal children, families and communities. Curricula will be responsive to and respectful of Aboriginal culture and practice. Between September 1, 2000 and June 30, 2001 the Ministry also provided a total of 22 two-day sessions, with 540 staff receiving training on all aspects of diversity relating to working with a client population that is increasingly multicultural, multiracial and multi-faith. The curriculum also covered workplace harassment and discrimination and individual rights and entitlements under Canada's *Human Rights Act* and the *Ontario Human Rights Code*.

Article 4 : Prohibition against promotion of racism

Hate Activities

385. In the 2001-2002 fiscal year, Ontario committed $400,000 a year, and additional staff, to expand the Ontario Provincial Police Hate Crimes/Extremism Unit.

386. The OPP's Hate Crime/Extremism Unit conducts multi-jurisdictional, strategic, and tactical intelligence operations targeting individuals or organized groups involved in hate crime activity and/or criminal extremism.

387. Intelligence information is collected on persons or groups involved in such activity in an effort to anticipate, prevent and monitor possible criminal activity. The unit has dedicated investigators who perform an intelligence function to combat hate crimes and criminal extremism, including the distribution and promotion of hate literature. It also provides investigative support to OPP detachments and municipal police services that require resources or the expertise to conduct hate crime/extremism investigations.

Article 5 : Equality before the law

The Right to Housing

388. The ownership and administration of public housing formerly owned and operated by the Ontario Housing Corporation were transferred to the municipal level on January 1, 2001, under the authority of the *Social Housing Reform Act, 2000*. Effective May 1, 2002, the devolution of the administration of all social housing to the municipal level, including non-profit and co-operative housing, will have been completed. The administration of all of these units will also be governed by the *Social Housing Reform Act, 2000*. The rules outlined in the *Act* and associated regulations do not specifically address racial discrimination. However municipal service managers are governed by the provisions of the *Ontario Human Rights Code* and are able to establish policies that address racial discrimination in both public housing and non-profit and co-operative housing.

The Right to Education and Training

389. The Ministry of Training, Colleges, and Universities (MTCU) collaborates with occupational regulatory bodies, employers, community agencies and educators to promote improved access to professions and trades for individuals working in Ontario but trained outside of Ontario.

390. In Budget 2000, the Ontario government invested $3.5 million to support two projects to help foreign-trained nurses and pharmacists attain licensing standards in Ontario so they can become certified to work in their fields. The projects include refresher/ upgrading courses, profession-specific workplace language, and Canadian work experience options.

391. In Budget 2001, the Ontario government committed $12 million over three years to launch innovative training projects to help foreign-trained Ontarians gain speedier access to their professions in Ontario.

392. In fall 2000, Ontario established an Academic Credential Assessment Service, which is delivered by World Education Services-Canada (WES-Canada), a non-profit organization. The service provides assessments of foreign degrees and diplomas, to improve immigrants' opportunities to enter the job market.

393. MTCU, with its partners, has developed Sector Specific Terminology Information and Counselling (STIC) training manuals and self-assessment tools that can be used by community agencies and occupational regulatory bodies to deliver workshops to assist

skilled newcomers enter their occupations. Individuals can also access a computerized self-assessment tool to compare their skills to those required for their occupations.

394. MTCU has worked with occupational regulatory bodies to develop comprehensive and current occupational fact sheets, available in print and on the Internet, for prospective and landed immigrants on entry-to-practice requirements and labour market conditions for specific occupations.

395. Ontario continues to recognize and support the Aboriginal community through the Aboriginal Education and Training Strategy, which allows for Aboriginal students to pursue higher education, ensuring that appropriate programmes and services are in place.

Article 7 : Education, Culture and Information

Education

396. The following are key initiatives undertaken by the Commission on issues related to discrimination based on race, colour and place of origin between 1997 - 2001:

- Aboriginal Human Rights Initiative: The Commission has initiated a special programme to protect the rights of Aboriginal people. Two Aboriginal organizations, *Grand River Employment and Training* and the *Ontario Federation of Indian Friendships Centres*, are responsible for the development and delivery of the programme. The goals of the initiative are to create and enhance awareness among Aboriginal communities of the Ontario Human Rights and to develop appropriate and culturally sensitive ways to enable members of the communities to access the Commissions service.

- In the first phase of the initiative, 37 Aboriginal organizations across the province were consulted. Through its consultation, the Commission learned that many organizations had little or no knowledge of the Commission and its work. Over 80 percent of those who were consulted also cited significant discrimination in the areas of housing, policing, health, social services and legal services. Racism, levels of literacy and a general mistrust of non-Aboriginal institutions were identified as key barriers that prevent Aboriginal persons form using the Commission services. In addition, lack of visibility and accessibility of the Commission was noted as a barrier.

- The second phase of this project is underway. It will involve training workshops, public education programmes and a pilot community-based awareness campaign programme.

- Partnership on racism: In 1999, the Commission entered into a partnership with the Canadian Race Relations Foundation to develop a video and study-guide on racism. The campaign, involving partners from the private, broadcast and non-profit sector organizations, aimed at making a significant statement on racism and the future of Canada. A thirty-minute video was recently released by the Foundation. The video captures the experiences of five video artists from across Canada who produced public service announcements asking Canadians to examine their biases and to value diversity. A study guide to accompany the video is currently being developed.

- Human Rights at Work: In 1999-2000, the Commission developed a publication entitled, *Human Rights at Work*. It addresses workplace issues including anti-discrimination and harassment policies. The guide provides employees with practical information, including a list of prohibited interview questions referring to race, colour and place of origin, and a sample job application. The publication is also accompanied with a guide entitled, *Hiring? A Human Rights Guide*.

- Female Genital Mutilation Policy: The Commission partnered with local women's non-governmental organizations to raise awareness of the practice of female genital mutilation. The Commission recognizes the need for public sensitivity, awareness and understanding in dealing with culturally rooted practices, which may conflict with the principles and provisions of the Code. A plain language brochure was developed and translated in several languages including, Arabic, Somalian, Swahili and Amharic.

- Translation of Complainant's Guide: The Commission also partnered with the Council of Agencies Serving South Asians to produce a plain-language version of the Commission's Complainants Guide in six South Asian languages: Hindi, Punjabi, Urdu, Gujarati, Tamil and Bengali. This initiative is an effort to make the Commission's service more accessible to groups who may experience language-based discrimination. The Commission has developed policy on Discrimination and Language which recognizes that language can be an element of complaint based on ancestry, place of origin and in some circumstances, race, in the areas of employment, accommodation, services, contracts, and membership in unions.

- Anti-Racism Initiative Survey: In May 2001, as member of the Canadian Association of Statutory Human Rights Agencies (CASHRA), the Commission took a lead role in developing and disseminating a survey intended to gather information about anti-racism initiatives undertaken by CASHRA member agencies. The initiative was to gauge community feedback with respects to the work commissions are doing in the area of racism and racial discrimination and to identify the potential for future CASHRA initiatives in this area. The results of this Survey will form the basis for work by CASHRA's Research and Policy Group Anti-Racism Subcommittee and will be used to prepare a report summarizing existing work that may be useful to all CASHRA members in identifying areas where future joint initiatives will have the most impact.

- Age Discrimination: In June 2001, the Commission released a consultation paper on entitled, *Time for Action: Advancing Human Rights for Older Ontarians.* The Paper identifies trends and critical issues related to age and makes recommendations to promote the human rights of older persons. The paper includes a section on *Age and Intersectionality* and notes the need to recognize the barriers faced by older persons on the basis of the intersection between age and race, ethnicity, citizenship, religion, and language.

- In June 2002, the Commission released its Policy on *Discrimination against Older Persons because of Age.* The Policy is a continuation of the Commission's work in the area of age discrimination. It was developed to help the public and Commission staff to gain a better understanding of how the *Ontario Human Rights Code* protects older Ontarians, sensitize them to the issues that older persons face and support compliance.

397. In 1998, the Ministry of Education released the elementary curriculum for Social Studies, History, and Geography. It incorporates expectations relating to the broad area of civics education, human rights and anti-discrimination:

- Students begin to learn about rights and responsibilities as early as Grade 1. By the end of Grade 1, they are expected to demonstrate an understanding of rights and responsibilities in a way that shows respect for the rights and property of others. In Grade 5, students are expected to demonstrate an understanding of the rights of Canadians, including those specified in the *Canadian Charter of Rights and Freedoms.*

- Each of *Drama, Music, Visual Arts* and *Dance* at the elementary and secondary levels contains expectations relating to the art of non-Western countries and cultures. Similar horizon-broadening expectations are found in the curricula for Social Studies, Grades 1 to 6 and *History* and *Geography*, grades 7 and 8.

- A Native Studies component was developed in the elementary *Social Studies* programme. In grades 3 and 6, students compare Native cultures found within Canada and study the accomplishments of important individuals in Canada. The grade 7 and 8 history and geography programme emphasizes the partnerships and alliances between Aboriginal and non-Aboriginal peoples in Canada before 1867, as well as the experiences of Aboriginal peoples within the Canadian nation during the final decades of the nineteenth century.

398. At the secondary school level, the most explicit policy statement relating to anti-discrimination education is contained in *Ontario Secondary Schools: Program and Diploma Requirements Grades 9-12(OSS)*, 1999. Violence prevention, contributions of various groups, examination of diverse viewpoints, human rights, and Native education have been incorporated into the curriculum where appropriate.

399. Further advancement in human rights study is ensured in Grades 9 and 10: *Canadian and World Studies*. The human rights movement, and related documents are discussed in various courses offered within this programme. The Grade 10 history course has expectations relating to the contributions of immigrants to Canada, the women's movement, and Aboriginal groups working toward recognition of Native rights for their peoples. The grade 9 course provides an overview of the various art forms used by Aboriginal peoples. The grade 10 course highlights twentieth-century history and contemporary issues from an Aboriginal perspective. As well, there are six courses in grade 11and two courses in grade 12 in the Native Studies discipline.

400. In February 2002 the Ministry of Education, in partnership with the Ministry of Citizenship, developed a video, in French and in English, about the Lincoln M. Alexander annual Award. This award recognises two young Ontarians who have demonstrated exemplary leadership in helping eliminate racial discrimination in their school and local community. This video sketches a portrait of a number of the past recipients of the award, and gives the information about the award itself. Teachers can use it as a resource for the Grade 10 *Civics* and Secondary *History* courses.

401. The Ministry of Education has also provided targeted funding ($224 million committed for 1998-2003) to support the purchase of appropriate learning resources for the new curriculum. Under the targeted funding initiative, learning resources (textbooks, software etc) are evaluated by the Ontario Curriculum Centre which uses evaluation tools including a "bias evaluator" to ensure inclusivity and freedom from race and ethnocultural bias and other forms of discrimination.

Québec

General

402. This report reviews measures adopted by the Government of Québec in application of the Convention. It updates, to May 2001, the information contained in the previous reports.

403. The broad framework under which racial discrimination is prohibited in Québec is set out by the *Charter of Human Rights and Freedoms* (R.S.Q., c. C-12). It prohibits any act of discrimination, manifestation of racism or hate propaganda. The details were described in previous reports.

404. Quebec society displays significant ethnic and cultural diversity. The Aboriginal population accounts for 1 percent of Quebec's population, or approximately 71,415 people. The Aboriginal population is made up of 10 First Nations and one Inuit nation distributed in 54 communities. Quebec Aboriginal peoples account for 10 percent of Canada's aboriginal population .

405. According to data from the 1996 Statistics Canada census, immigrants account for 9.4 percent of Québec's population, whereas the number of people declaring origins other than French, British, Aboriginal or Canadian stands at 16 percent of Québec's population. The population of the Montreal area is the most diversified in terms of ethnicity, with 30 percent of the population with origins other than French or British.

406. With respect to immigration, the data in the next table updates the data provided in previous reports. From 1997 to 2001, Quebec received 27,684 immigrants in 1997; 26,509 in 1998; 29,214 in 1999; 32,440 in 2000 and 37,498 in 2001. These people came from the following main geographic regions:

Region of origin	**1997** %	**1998** %	**1999** %	**2000** %	**2001** %
Africa	15.9	19.0	21.5	24.4	26.9
America	15.6	13.8	14.4	14.2	15.8
Asia	40.8	36.4	37.3	36.3	34.3
Europe	27.5	29.6	26.7	25.0	22.8
Oceania	0.1	1.1	0.1	0.1	0.1

407. According to the 1996 census, people that claim to belong to a visible minority group account for 6 percent of Québec's population (434,000 people) from diverse origins. In 2001, over 60 percent of the immigrant population was from Africa or Asia.

Article 2 : Policy and programme initiatives

408. Affirmative Action Programs (AAP), set out in the Québec *Charter of Human Rights and Freedoms* and in place since 1985, include facilitating access of members of certain targeted groups to available jobs. AAPs can be voluntary. They can also be recommended by the Commission des droits de la personne et des droits de la jeunesse (the Commission) after an inquiry if it feels that discrimination has taken place. The Commission can, if its proposal is not followed-up, apply to a court and be granted, within the deadline determined by the court, the development and implementation of a programme. The Charter also sets out the government's AAPs. Under the provisions of section 92, the government must require its departments and organizations where the staff is appointed according to the *Public Service Act* (R.S.Q., c. F-3.1.1) to implement AAPs within the deadline that it sets out. The Commission must be consulted about the AAPs before they are implemented. Finally, the contract compliance programme (*Programme d'obligation contractuelle*), implemented in April 1989 by a decision of the Conseil des ministres, requires businesses which employ more than 100 people to implement an access to equality programme when they are awarded a government contract or grant in the amount of $100,000 or more.

409. An assessment conducted in December 1998 by the Commission concluded that there was a need to consolidate the AAPs. As a follow-up to certain recommendations made in this document, the *Quebec Act Respecting Equal Access to Employment in Public Bodies and Amending the Charter of Human Rights and Freedoms* (S.Q. 2000, c. 45) came into effect on April 1, 2001. The goal of this act is to expand AAPs to government organizations that are not subject to the *Public Service Act*. It establishes a framework for equal access to employment for four groups: women, Aboriginal people, visible minorities and linguistic minorities (non-French, non-English). It affects approximately 700 organizations with 100 employees or more belonging to municipal bodies, education, health and social services bodies, Crown Corporations and the Sûreté du Québec. The Commission is responsible for ensuring the implementation of this act. In 2001, the department of citizen relations and immigration (ministère des Relations avec les citoyens et de l'Immigration [MRCI]) implemented an extensive promotional campaign for the AAPs with employers, targeted groups and the general public. Generally speaking, the MRCI supports the implementation of AAPs.

410. In April 1999, the Government of Quebec also took administrative measures for Aboriginal, allophone and Anglophone students, in order to grant them 25 percent of

summer jobs in the public service. The objective has been reached each year since the programme started. Since May 1999, the same objective has also been set for public service recruitment for permanent and casual positions, and for university graduates through the internship programme for recent graduates. The *Public Administration Act*, R.S.Q., c. A-6.01, adopted in May 2000, increases the accountability of deputy ministers and leaders of public organizations to reach this objective.

411. In order to address the specific challenges facing young visible minorities for access to the job market, the MRCI in partnership with employment Québec (Emploi-Québec) and the department of municipal and metropolitan affairs (ministère des Affaires municipales et de la Métropole), implemented in 1997, and for a three-year period, the fund for visible minorty youth (*Fonds pour les jeunes des minorités visibles*). The goal of this fund was to finance structuring and sustainable projects that allow young people to promote their abilities with employers. This programme's activities ended in March 2000. Nearly 30 organizations were subsidized and 1,300 young people benefited from the services offered. At the Quebec City and Youth Summit in February 2000, the fund for Quebec youth (Fonds jeunesse Québec) was created to improve access to jobs for youth, particularly those from cultural communities and visible minorities.

412. Further, one of the priorities of the fund to combat poverty and promote labour market re-entry, implemented in 1997 in connection with the Summit on the Economy and Employment, is to foster the development of jobs and insertion of young visible minorities in the workforce. This fund supports job creation initiatives for people that are the most affected by poverty and exclusion. At the Quebec and Youth Summit, which took place in February 2000, the government committed to extend this fund for three years, giving it an annual budget of $160 million.

413. For its part, employment Québec, in February 2001, implemented an intervention approach aimed at facilitating recruitment and retention of young visible minorities in the workforce. More specifically, the employment Quebec regional office in Montreal invested several million dollars in 2000-2001 to support initiatives fostering the employment of immigrants and unemployed people from visible minority groups.

414. The MRCI continues to support the Mathieu Da Costa Business Development Corporation. This association strives to support the start-up and expansion of businesses from black communities and to stimulate the development of economic leadership. Since it was created, the Corporation has contributed to the creation of 53 businesses and 100 jobs. In addition to MRCI, the Corporation's other partners are Canada Economic Development, the department of municipal and metropolitan affairs and the solidarity fund for Québec workers *(Fonds de solidarité des travailleurs du Québec)*.

415. The MRCI proceeded with the implementation of a series of measures for integrating immigrants, civil and intercultural relations and the fight against racism and racial discrimination. The objectives of these measures are to foster the economic, social and cultural integration of immigrants, to promote understanding, the exercise and respect of rights and responsibilities of all citizens and to foster equality between people. The actions of the MRCI also foster dialogue between Quebeckers from all backgrounds.

416. Services offered by MRCI to receive and integrate immigrants into Québec society are geared towards Québec residents, immigrants and businesses :

- information on immigration and integration services given in various forms at diverse locations abroad;
- services related to integrating immigrants into Québec society, more specifically:
  - Services related to the settlement process (individual and group information sessions, integration based on the immigrant's needs, referral to partnership organizations for appropriate services);
  - francization services (full and part-time training in integration hubs, francization in the workplace, referral to higher education institutions for clients with more education, referral to non-government organizations);
  - support for social and economic integration (housing search, job search preparation, evaluation of foreign credentials equivalence, advice for business projects);
  - assistance services for settling in the region;
- notices and information with Quebec institutional partners regarding immigration and receiving immigrants (training sessions).

417. These activities are carried out by nine reception and integration hubs across Québec. Furthermore, MRCI is working in partnership with over 100 community organizations to offer services to newcomers.

418. Since 1998, over 15,000 people have been met each year as part of an immigrant reception programme and 7,000 have benefited from support for integration into the workplace. As part of the activities for learning French, approximately 15,000 people following training in this area each year, in higher education institutions, community organizations or an integration hub.

419. The MRCI is also organizing a number of activities to promote intercultural relations. As regards the fight against racism and the promotion of democratic rights, the MRCI coordinates actions, such as the Action Week Against Racism, Québec Citizenship Week, and the Quebec Citizenship Award. The MRCI also coordinates interdepartmental

activities through which the Government of Québec ensures a better representation of cultural diversity in all areas of community life.

420. As part of the support for civic participation programme, the MRCI annually supports approximately 100 community organizations in carrying out activities fostering the development of a sense of belonging to Québec society. The programme has two components: promoting citizenship and combating racism. The latter component was actually the priority for 2001-2002.

421. In the field of research, the MRCI has undertaken a number of studies on integrating immigrants, visible minorities and young people. In January 2001, it published the results of a major study which, for 10 years, followed the activities of a cohort representative of immigrants received in Quebec in 1989. This study made it possible to determine that the majority of immigrants had found their first job after a few weeks and that after three years in Quebec, their job situation had stabilized. Both their salary and socioprofessional status had improved over the years. The positive effects of integration in their job also allowed approximately 35 percent of immigrants to own their homes after ten years. Studies were also conducted regarding employment equity and representation of ethnic and visible minorities in various areas of public life. In 2001, the MRCI conducted a public opinion survey on immigration and intercultural relations in Québec, with a large part dedicated to racism and racial discrimination.

422. With respect to the administration of justice among the Inuit, the minister of public security (ministre de la Sécurité publique) announced, in July 1996, a series of measures in order to more adequately respond to the needs of Inuit communities. For example, the Kativik Regional Government hired three Inuit community reintegration officers, who, under the guidance of parole officers from Public Security, participate in supervision of offenders in their community. Furthermore, the Minister inaugurated, in March 2000, in the town of Kangirsuk, a centre administered by the community and housing people from the region who are referred by parole services, lock-ups and the Québec commission for paroles (Commission québécoise des libérations conditionnelles) to assist with their reintegration. In 2001, a working group made up of representatives of the Inuit and the departments of justice and public security was asked to propose solutions to the problem of incarceration north of the 55th parallel and measures to foster the implementation of social reintegration programmes adapted to the Inuit culture.

Article 5 : Equality before the law

423. In 1995, the National Assembly adopted amendments to the *Police Act* (R.S.Q., c, P-13) in order to add a new section dealing with the establishment or maintenance, under an agreement, of an Aboriginal police force. These provisions were continued in the new

Police Act (R.S.Q., c. P-13.1), adopted in 2000. In 2001, the minister of public security had signed nearly 30 agreements creating Aboriginal police forces in some 50 Aboriginal communities in Québec. These agreements will allow the Aboriginal communities to take responsibility for these services.

424. In June 2001, amendments were made to the *Youth Protection Act* (R.S.Q., c. P-34.1) to adapt it to an Aboriginal setting. The Act makes it possible to sign agreements with Aboriginal communities, which can then establish a specific protection regime for youth that is better adapted to their environment and this by the transfer, in full or in part, of the responsibilities of director of youth protection to local offices. This new act follows up on a pilot project carried out in an Attikamek Aboriginal community in order to allow the community to take over responsibility for youth protection activities, and the conclusions of a study conducted by the First Nations of Québec and Labrador Health and Social Services Commission.

425. The department of health and social services (ministère de la Santé et des Services sociaux [MSSS]) initiated talks with a number of Aboriginal communities regarding the provision of health and social services to Aboriginal people living on reserves. The discussions are aimed at signing sectoral agreements allowing the linking of the heath network with Aboriginal structures and organizations providing health and social services.

426. In regard to services offered to Aboriginal women that are victims of domestic violence, an amount of $500,000, from an overall annual budget of $4 million allocated to fund homes for women that are victims of domestic violence, will be used to improve the services offered to this clientele.

427. The MSSS is continuing to offer financial support to various Aboriginal organizations, particularly the First Nations of Québec and Labrador Health and Social Services Commission.

428. The *Act Modifying the Act Respecting Health and Social Services for the Naskapi Nation of Kawawachikamach* was adopted in June 2000. The purpose of this act is to create a Naskapi local community service centre (CLSC) in Kawawachikamach, the site for which was completed in 2001.

429. In the action plan of the police department of the urban community of Montreal (*Service de police de la communauté urbaine de Montréal*), training and awareness-building activities for police officers regarding ethnic communities continue to be provided in district stations in partnership with the immigrant training and orientation centre. Furthermore, in each of the district stations, an advisory committee made up of partners representative of the community's cultural diversity in the field, was established.

Article 6 : Effective protection and remedies

430. In the execution of its mandate, the Commission des droits de la personne et des droits de la jeunesse investigated, over the course of the period in question, allegations of discrimination based on race, colour or ethnic or national origin. Between 1997 and 2000 inclusively, 533 investigation files were opened in this regard by the Commission. The labor sector accounts for more than half of the investigation files opened, the infringement of rights generally dealing with dismissal, work conditions and hiring. The housing sector represented approximately 20 percent of files.

431. At the end of an investigation, the Commission can suggest the admission of the violation of a right, the cessation of the act complained of, the performance of an act (such as reintegration into a job), the payment of compensation or the payment of punitive damages where the discrimination is intentional.

432. From 1997 to 2000 inclusively, the Commission referred 17 complaints to the Human Rights Tribunal of Québec alleging discrimination based on race, colour or ethnic or national origin, or harassment based on these reasons. Ten files were settled out of court before the trial.

433. The Québec Superior Court ordered the College of Physicians in *Bandi* v. *Bernier*, [1998] R.J.Q. 1590, to assess the professional ability of the claimant without using prohibited grounds of discrimination such as citizenship.

434. In a number of decisions, the Human Rights Tribunal of Québec ordered payment of damages to compensate the victims for infringement on their right to equality and dignity. Then in *Commission des droits de la personne et des droits de la jeunesse* v. *Cyr*, J.E. 97-1562 and in *Commission des droits de la personne et des droits de la jeunesse* v. *Bouffard*, J.E. 99-1060, the complainants, who were black, secured a conviction against a shopkeeper and a neighbour, who made racist remarks.

435. The same happened in *Commission des droits de la personne et des droits de la jeunesse* v. *Dan-My Inc.*, J.E. 98-2278, where a businessman, dissatisfied with the services provided by the business that the black complainant worked for, wrote a letter with racist remarks about the complainant and sent it to a few people. In *Commission des droits de la personne et des droits de la jeunesse* v. *3160017 Canada Inc.*, J.E. 98-742, the complainant, of Romanian origin, also secured a conviction against the business that she contracted with and whose representative made racist remarks when she wanted to cancel her contract.

436. Also in *Commission des droits de la personne et des droits de la jeunesse* v. *Caci*, J.E. 98-2279, *Commission des droits de la personne et des droits de la jeunesse* v. *Sinatra*, J.E. 99-2197, *Commission des droits de la personne et des droits de la jeunesse* v. *Quévillon*, J.E. 99-909, and *Commission des droits de la personne et des droits de la jeunesse* v. *Gestion S.I.B. inc.*, J.E. 2000-343, the complainants, who were refused the rental of housing because of their race or ethnic origin were compensated.

437. Finally, in *Commission des droits de la personne et des droits de la jeunesse* v. *2955-5158 Québec inc.* (*Commission des droits de la personne et des droits de la jeunesse* v. *Restaurant Pub O'Toole*), J.E. 2000-1871, a businesses was forced to pay compensation to the complainants who were refused entry into the restaurant because of their colour, race or ethnic origin.

Article 7 : Education, Information and Culture

438. The department of Education (ministère de l'Éducation) and the MRCI jointly adopted, in 1998, a policy on educational integration and intercultural education, with an action plan for 2000-2002. This policy presents the broad focuses of the education system for integrating recently arrived immigrant students into Québec society. The policy is based on education for democratic citizenship in a multicultural society and on promoting equality of opportunity through access for all to educational services. The policy recognized that openness to ethnocultural diversity must translate into the teaching content, the educational material and the various aspects of school life to foster harmonious relationships between citizens thus preventing discrimination. Schools must establish and respect rules of life which condemn racism and exclusions in all of its forms. Ethnocultural diversity must also be reflected in school staff.

439. Moreover, training for stakeholders in the field of education outlines a number of activities aimed at fostering, in school staff, openness to diversity, detecting and combating all types of racism and forming the intercultural character of the schools by developing teaching skills that are required in a multiethnic setting.

440. In terms of newly arrived immigrant students who lag significantly behind in school, the department of education is pursuing efforts to foster their success using diagnostic tools and access to a programme for teaching their mother tongue as well as support for the parents.

441. In order to prepare the students to exercise active citizenship based on shared values, common responsibilities and rights and awareness-building of the international challenges that have repercussions on our society, the department of education introduced, at the primary and secondary level, a citizenship education programme focused on the culture of

peace, equal rights and the negative consequences of stereotypes, discrimination and exclusion.

442. In order for schools to be a place to learn rights and freedoms, the Commission des droits de la personne et des droits de la jeunesse for the past 20 years has been offering an outreach campaign of the *Quebec Charter of Human Rights and Freedoms* in the school system. In 2000, the Commission published a brochure on the sessions offered in the schools relating to education about human rights and freedoms.

443. The Commission is also working on, in association with Aboriginal partners, an activity programme which takes place in an Aboriginal camp called "Quebeckers and Aboriginals coming together: a major challenge" (*Rencontres Québécois-Autochtones, un beau défi*). This initiative brings secondary students together with Aboriginal people. Furthermore, the Commission began, in 2001, producing booklets on the theme of "Quebeckers and Aboriginals coming together: myths and realities" (*La Rencontre Québécois-Autochtones: mythes et réalités*) with the objective of demystifying the prejudices and discrimination which affects the Aboriginal peoples.

444. The department of education produced a series of information documents on the Aboriginal nations, including some which are used as teaching tools. In cooperation with the museum of civilization (Musée de la civilisation) and the Aboriginal nations concerned, the Ministry recently updated documents on the Aboriginal and Inuit nations of Québec. These documents, accompanied by an activity guide, are intended for primary students and teachers and the general public.

445. In order to reach young people from different regions of Québec and foster the development of harmonious intercultural relationships among all citizens, the MRCI, implemented an exchange programme in 2000 between young people from metropolitan areas, where 88 percent of the immigrants live, and young people from other regions in the school system. The objective is to provide young people with an opportunity to be in contact with members of other cultures or people that speak other languages.

446. As regards information on exercising citizenship in a democratic society, various initiatives made it possible to produce educational documents dealing with political institutions, civic values and human rights and freedoms. The chief electoral officer of Quebec (directeur général des éléctions du Québec) participated with the MRCI in developing an educational document for new arrivals to make them aware of the importance of exercising their right to vote.

New Brunswick

447. This report reviews measures adopted by the Government of New Brunswick in application of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It updates, to May 2001, the information contained in the previous reports.

Article 2 : Policy and programme initiatives

448. Since 1986, New Brunswick has maintained its Policy on Multiculturalism with the purpose of advancing the equal treatment of citizens of all cultures. The Policy represents a commitment to equality in matters of human rights, cultural expression and access to and participation in New Brunswick society. A Ministerial Advisory Committee guides implementation of the Policy on Multiculturalism, comprising representatives of cultural communities, as recommended by non-governmental organizations having a stated interest in the multicultural nature of New Brunswick society.

449. During the period from 1997 to 2002, grants totaling $29,400 were awarded annually to various multicultural organizations providing programmes and service across the province. Projects included anti-racism education; initiatives fostering cross-cultural appreciation; community development and multicultural fair; building skills for adapting to cultural diversity; cross-cultural youth programmes and activities to counter racism and discrimination.

450. In carrying out its mandate to make recommendations to government on current issues, the Ministerial Advisory Committee on Multiculturalism released four reports: *Implementing New Brunswick's Immigration Policy and Strategy*, *Implementation of the Policy on Multiculturalism*, *Report on Education* and *A Business Case for Ethnocultural Diversity in New Brunswick*. The Advisory Committee also initiated the development of a *Dare to Ask* guide to cultural sensitivities of New Brunswickers of diverse origins.

451. The Department of Health and Wellness has an Employment Equity Coordinator who works closely with the Equal Employment Opportunity office to promote hiring and retention of members of the three designated groups including Natives and visible minorities. The Employment Equity Coordinator conducts an on-going review of job ads to ensure that our recruiting practices honour the Convention.

452. Harassment in the Workplace in New Brunswick Public Service, is a government policy and "applies to all personnel including casuals employed in Parts I, II and III of the New Brunswick Public Service. Where applicable, this policy also applies to volunteers, staff members, contractors, fee for service individuals, those governed under medical staff bylaws, and clients." Therefore, the action stated by the Department of Health Wellness applies equally to Education, and likely to all other departments.

453. The Equal Employment Opportunity programme (EEO) was established in 1982, and has provided Aboriginal people, persons with disabilities and visible minority persons with equal access to employment, training and promotional opportunities in the New Brunswick Public Service (Part 1).

454. A component of the Office of Human Resources' Official Language & Workplace Equity Branch, the EEO programme's primary objective is to provide a more balanced representation of qualified target group persons in the Civil Service by helping individuals find meaningful employment with opportunities for advancement. Over the years, the programme has expanded into providing Job Exposures and Student Summer Employment. The Programme is open to both on and off-reserve Aboriginal peoples and serves as a liaison with First Nations and Aboriginal Organizations.

455. The EEO programme facilitates job placements and career-related work experience for target group persons through a summer employment initiative for students, a job exposure initiative, both administrated in cooperation with the Department of Training & Employment Development through term placements of 12 to 24 months, which focus on long-term skills enhancement. As of March 2002, 50 Aboriginal civil servants self-identified in Part 1 of the Provincial Public Service, of which 38 utilized the EEO programme.

456. Funds are allocated to hire persons who are considered eligible within the EEO programme, with the understanding that participating departments make every effort to place successful participants in regular positions within the term period.

457. The Job Exposure initiative provides participants with up to 12 weeks of work experience, a salary above the minimum wage, and further consideration towards an EEO funded term position, 12 to 24 months, if placed within the Civil Service - Part 1.

458. The EEO programme is actively involved in the selection and job placement of post-secondary students. The objective of the summer employment programme is to provide target group students with career-related work experience. This initiative trains and prepares students for potential Civil Service employment at the end of their school days.

459. The Department of Education Ministerial Statement on Multiculturalism/Human Rights Education articulates the values which continues to guide new policy development. The Department of Education implemented Policy 701 – *Policy for the Protection of Pupils in the Public School System from Misconduct by Adults* in September 1996, and revised it in September 1998. Abusive behaviour, as defined in this policy, refers to behaviour of adults in the school system that is directed towards a pupil or pupils. Discrimination is classified as an abusive behaviour and a complaint regarding discrimination will automatically trigger the complaint process defined in this policy.

460. The Department of Education implemented Policy 703 – *Positive Learning Environment* in April 1991, and revised it in September 2001. The policy makes provision for sanctions against any person who engages in discrimination based on gender, race, colour, national or ethnic origin, religion, culture, language group, sexual orientation, disability, age or grade level, or who disseminates hate propaganda in the public education system.

461. The *Report Of The Task Force On Aboriginal Issues* (March 1999) describes positive initiatives in New Brunswick through the aegis of the Department of Education. A number of these include a summer camp programme that focuses on cultural enrichment for Aboriginal and non-Aboriginal students as well as a number of committees that include Aboriginal people who advise the department in areas such as departmental policy, language programmes and curriculum development.

462. The Aboriginal Affairs Secretariat prepared for, attended, and followed-up on various meetings between the Minister responsible for Aboriginal Affairs and his federal and provincial counterparts and Aboriginal leaders, as part of the Federal Provincial Territorial Ministers responsible for Aboriginal Affairs and National Aboriginal Leaders Forum.

463. The role of the Aboriginal Affairs Secretariat is to provide information and advice to the Minister responsible for Aboriginal Affairs and to departments on planning, policy development, programme delivery and communications; to provide interdepartmental co-ordination; to assist with intergovernmental relations on aboriginal matters; and to serve as a liaison with Mi'kmaq and Maliseet communities and aboriginal organizations. Accordingly, the Aboriginal Affairs Secretariat works horizontally across government and with many stakeholders. In addition, an important part of the Secretariat's mandate is to promote awareness and understanding of the Mi'kmaq and Maliseet culture within the public service and with the general public. The Secretariat is, for administrative purposes, part of the Executive Council Office and reports to the Minister responsible for Aboriginal Affairs.

464. The activities of the Aboriginal Affairs Secretariat are only a small part of the involvement of the provincial government in aboriginal affairs. Many provincial

departments are working in partnership with First Nations' communities and aboriginal organization on issues involving education, child and family services, forestry, economic development and sport and culture.

465. One of the most significant developments in aboriginal affairs during 1999-2000 was the Marshall decision of the Supreme Court of Canada in September 1999. The impact of this decision was mostly felt in the fisheries sector, which is an area of federal jurisdiction. However it had implications provincially as well.

466. Accordingly, the Secretariat monitored developments, provided interdepartmental co-ordination, and participated in developing advice to Ministers. The Secretariat also prepared for, attended, and followed-up on various meetings between the Minister responsible for Aboriginal Affairs and his federal and Maritime counterparts.

467. At the Department of Justice, the pilot sentencing project has gone beyond the "proposed stage" as identified in the last report and has been active for three years. It involves the Big Cove First Nations' Community and deals with alternative measures with regards to pre-charge and post-charge offences. Over 40 people have participated so far in the programme. Because of its success, two additional projects are in the works involving the communities of Tobique and St-Mary's. These will be very similar to the first one and will also incorporate cultural values when looking at the issue of sentencing.

468. In addition to these projects, an elder programme, involving correctional facilities is currently being proposed.

469. Other departments have been working on a policy document on Restorative Justice, which will deal with the issue of sentencing within first nations' communities. It has not been released yet.

470. The Department of Justice is continuing its work in collaboration with the Department of Public Safety, to undertake restorative justice initiatives that are meaningful to Aboriginal communities of our province.

471. Since June 1993, the Department of Public Safety has participated with federal and Aboriginal authorities in a policing analysis of four first Nations Tribal Council Communities. The Department has been successful, to date, in implementing three First Nations Community Policing Programs (FNCP), which will provide policing services by the Royal Canadian Mounted Police to the First Nations Mi'kmaq Community of Bouctouche, the First Nations Mi'kmaq Community of Indian Island and the First Nations Maliseet Community of Tobique. A fourth FNCP agreement will result in policing services being provided by the Fredericton Police Force to the First Nations Maliseet Community of Saint Mary's.

472. Aboriginal persons comprise approximately five percent of the incarcerated offender population in New Brunswick - a significantly disproportionate number given that Aboriginal persons represent only one percent of the provincial population. With responsibility for operating 5 adult and 1 young offender centres, the Department of Public Safety has introduced a number of Correctional services initiatives to better serve Aboriginal persons incarcerated in its correctional centres.

473. For example, the Aboriginal Staffing Initiative has led to the employment of four Aboriginal persons as regular correctional staff: two Youth Counsellors at the New Brunswick Youth Centre and two Correctional Officers at other correctional institutions. Their participation contributes cultural sensitivity to Aboriginal inmates and encourages greater understanding of, and Aboriginal involvement in, the administration of the criminal justice system.

474. The Department of Public Safety to further address the need for sensitivity to the culture and needs of Aboriginal offenders now employs four individuals of Aboriginal ancestry as Probation and Parole Officers. Aboriginal participation in sentence supervision is intended to create stronger contact between Community and Correctional Services and the Aboriginal community. The presence of Aboriginal Probation Officers also serves a valuable educational function, encouraging greater Aboriginal involvement in the administration of criminal justice.

475. All four officers provide conventional probation services and have further assumed a variety of non-conventional functions related to community education, deterrence, offender rehabilitation and culturally specific programming.

476. The principal goal of the New Brunswick Emergency Measures Organization is to assist First Nations communities to develop the necessary expertise, plans and arrangements for effective local emergency management. The project had been implemented by employing an Aboriginal person as a Native Community Advisor on Emergency Measures.

477. This project is the Aboriginal component of the Umbrella Agreement on Cooperation in Emergencies has been in effect since February 1991. The project is a cooperative effort to improve our collective preparedness to deal with the effects of disaster. It fosters mutual aid agreements between Aboriginal and non-Aboriginal communities.

478. Responsibility for emergency preparedness in First Nations communities resides with the federal government; nevertheless the provincial government has a moral obligation to provide assistance, advice and support to governing bodies involved in the delivery of the programmes of the Department of Public Safety and the Band Councils.

Article 4 : Prohibition against promotion of racism

Human Rights Commission

479. Subsection 6(1) of the New Brunswick *Human Rights Act* states that "no person shall *(a)* publish, display, or cause to be published or displayed, or *(b)* permit to be published or displayed on lands or premises, in a newspaper, through a television or radio broadcasting station, or by means of any other medium that he owns or controls, any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against any person or class of persons for any purpose because of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation or sex."

Department of Justice

480. Changes have not been made to the *Criminal Code* (hate literature provision). The possibilities of allowing defamation as a possible vehicle for pursuing an effective civil remedy has had several discussions, but these files are no longer pursued and are considered inactive. When appropriate, the Attorney General is vigorously pursuing prosecutions for hate crimes that occur in New Brunswick.

Article 5 : Equality before the law

481. At the Department of Health and Wellness, Aboriginal reserves are included in the distribution list for notification of suicide prevention activities. Local Suicide Prevention Committees ensure Aboriginal people are aware of any activities occurring within their regions.

482. First Nations were involved in the planning of the 13th National Conference on Suicide Prevention held in New-Brunswick, October 2002. First Nation communities have been participating in the Dream Catcher Tour mainly to provide awareness on suicide prevention.

483. A survey has been completed with youth between 14-18 years of age in rural New Brunswick regarding distress levels. Aboriginal youth were involved and Big Cove band members participated on the steering committee. Grief counselling will be made available to members of the Big Cove First Nation. The Department of Health and Wellness is a partner in a tripartite committee in place to review health issues that are faced by Big Cove band members.

484. Big Cove staff have been trained to conduct psychological autopsies for the Psychological Autopsies Research Project being carried out in New Brunswick.

485. The Department of Training and Employment Development (TED) administers five (5) employment programmes. Although responsibility for employment programming within the First Nation communities rests with the federal government. All Aboriginal people have access to all programmes and services delivered by TED, including access to employment counselling.

486. The Summer Employment and Experience Development (SEED) programme provides students with employment experience through summer jobs, co-operative placements and entrepreneurship opportunities. Every year, funding is provided to the Equal Employment Opportunity (EEO) programme in order to provide summer employment to Aboriginal and visible minority students.

487. The Work Ability programme provides workplace opportunities in support of employment action plans that will develop the skills necessary for permanent employment. A strong partnership has been developed between TED and EEO to provide Aboriginal and visible minority clients with job exposure in an effort to assist them in finding full-time employment.

488. The Workforce Expansion programme provides wage subsidies to eligible employers that intend to create permanent employment, or annually recurring seasonal jobs, in New Brunswick and assist eligible individuals to start their own business or become self-employed. In order to encourage employers to hire Aboriginal Persons, an enhanced wage subsidy is provided.

489. The Training and Skills Development programme assists case-managed individuals, whose employment action plan identifies skill development as being necessary, in accessing appropriate training and education programmes so that they can achieve their goal of becoming self-reliant. Under this programme, several Strategic Initiatives have been organized in order to provide training to Aboriginal Persons in the following areas – Gas and Oil, Fisheries, Information Technology, Heavy Equipment, and Health Care.

490. The Employment Services programme provides the financial and professional supports needed to ensure that labour force needs of New Brunswick employers and workers are met. Under this programme, a number of projects targeting Aboriginal Persons and visible minorities have been funded by the Research and Innovation (R&I) component, including - *Aboriginal Forest Ranger Training* (1997 - 2000), *Tobique IT Microsoft Certified Training* – Tobique First Nation (2000 - 2001), *Diversity and Equity in Employment* - N.B. Visible Minority Steering Committee (2001-2002), *Building Stronger Diverse Communities* -N.B. Multicultural Council (2002).

491. Interim agreements on primary/secondary education between the Province of New Brunswick and First Nations ensure that children who live on reserves and attend public schools have access to culturally relevant, quality educational programmes and services, consistent with the Policy Statement on Maliseet/Mi'kmaq Education in New Brunswick. The governing bodies involved in these arrangements are First Nations, the Department of Education and local school districts. Individual agreements exist between 9 of the 15 First Nations of New Brunswick.

492. Since the Federal-Provincial Master Tuition Agreement terminated in 1993, several First Nations have engaged in direct discussions with the Department of Education with the aim of concluding a long-term tuition agreement for educational programmes and services between all First Nations and the Department of Education. Long-term agreements exist between the Department and three of the First Nations.

493. The Department of Education has adopted a number of initiatives consistent with the Policy Statement on Maliseet/Mi'kmaq Education in New Brunswick, including an Aboriginal teacher recruitment initiative, the appointment of a number of Aboriginal representatives to District Education Councils, and intervention strategies to address the educational needs of at-risk Aboriginal students. Other measures, which address curriculum development activities and Aboriginal awareness training for teachers, are reported under Article 7

494. The Department of Education implemented the *Department of Education Working Guidelines on Integration* (March 1988) and *Best Practices for Inclusion* (1994). These guidelines provide parameters to ensure adequate provision of support services for all students. The guidelines recognize a continuum of need, ranging from being able to deal effectively with the regular programme, to requiring extensive and varied support.

495. On April 24, 1995, the minister of Health and Community Services issued a memo to all regional hospital facilities, Family and Community Social Service Offices, and the Mental Health Commission. The memo contains sections from the *Human Rights Act* concerning racism. The Minister stated that there would be zero tolerance with respect to racism within the Health and Community Services system.

496. Gignoo Transition House was opened in January 1993 to aid abused Aboriginal women and their children. In 1992-93, the Canada Mortgage and Housing Corporation provided funds for capital costs to establish the transition house for victims of spousal violence. The Department of Health and Community Services now provides an operating grant based on usage of the Transition House by off-reserve Aboriginal women and non-Aboriginal clients. The Department of Indian Affairs provides financial assistance based on usage by on-reserve Aboriginal women.

497. A number of the New Brunswick Aboriginals who belong to the Union of New Brunswick Indians are members of the Provincial Suicide Prevention Coordinating Committee. There are also Aboriginal representatives on various community suicide prevention committees.

- four people who are certified trainers in suicide prevention are part of the Mental Health Commission's provincial pool of certified trainers;
- training sessions have been provided to various Aboriginal communities in the area of suicide prevention and awareness, including formal training in Critical Incident Stress Management;
- aboriginal representatives of Big Cove are part of the Critical Incident Stress Management programme of the Richibucto community Mental Health Centre;
- cultural awareness training has been provided to Community Mental Health Services staff; and
- community mental health centres staff continues to provide consultation services to Aboriginal communities as needed.

498. Aboriginal clients are accessing the services at the 13 Community Mental Health Centres throughout the province on a continuous basis. In addition, the Department will, on an as-needed basis, deliver specific services or training to Aboriginal communities in a crisis.

499. The Province is responsible for providing child protection services to all residents of New Brunswick, including those living on Indian reserves. The Department of Family and Community Services does, however, delegate the responsibility for the delivery of these services to all First Nations. The delegation occurs under a tripartite agreement between the First Nations, the Department of Family and Community Services and the Department of Indian Affairs and Northern Development Canada.

500. A Canada-New Brunswick-Indian Child and Family Services Agreement was first signed in 1983 and is in place in all 15 First Nations communities. A Tripartite Agreement on Indian Child Welfare Agencies also exists and, in 1988, was extended until such time as new arrangements are negotiated.

501. The long-term objective of the Department of Family and Community Services is to devolve responsibility for delivery of child and family services to First Nations. Those services that may be provided under the Tripartite Agreement are: childcare, child protection, homemaker, headstart, family and adoption services.

502. The 15 First Nations communities in New Brunswick have child and family services agreements in place.

Article 6 : Effective protection and remedies

503. The New Brunswick Human Rights Commission is responsible for the administration of the New Brunswick *Human Rights Act.* The Commission encourages a climate of tolerance and understanding, which prevents persons from being subject to indignity or from being placed at a social disadvantage because of their race, colour, national origin, place of origin or ancestry.

504. Section 13 of the Act authorizes the Commission to approve special programmes, such as Affirmative Action and Employment Equity, to enhance the welfare of specific populations, including women, Aboriginal peoples, persons with disabilities, and visible minorities. The programmes are generally intended to identify and remove systemic barriers in employment, housing or education that discriminate against members of designated groups. They may also involve the implementation of special measures to accommodate differences and to achieve and maintain a representative workforce. The Commission is further authorized by the Act to review, alter or impose conditions in respect of such special programmes.

505. The Commission carries out its principal functions by promoting human rights education and by investigating complaints regarding alleged violations of the Act. The ratio of racial discrimination complaints to the Commission's total formal complaint caseload, as represented by complaints based on race, colour and place of origin, is as follows:

- 1997-98: 8 race related complaints out of 140
- 1998-99: 6 race related complaints out of 141
- 1999-2000: 15 race related complaints out of 119
- 2000-2001: 17 race related complaints out of 115

506. The Commission explains the increase in complaints in this area as being, in part, the result of its promotion and education efforts, and those of other Canadian Human Rights Commissions, in combating racism.

507. Under section 20 of the *Human Rights Act,* the Human Rights Commission is authorized to recommend the appointment of an impartial Board of Inquiry to resolve a complaint of discrimination that cannot be settled through the process of conciliation.

Article 7 : Education, Culture and Information

Education and Teaching

508. The New Brunswick Human Rights Commission provides information and referral services on a variety of issues including racism, prejudice and discrimination. It also makes print materials and videos available, and serves as a liaison with community organizations.

509. The promotion of racial harmony continues to be an important focus of the Commission's education programme. In this respect, the Commission has been involved with the New Brunswick Minority Policing Committee in its work to address such issues as recruitment and training of minorities and police practices, and with Pride of Race, Unity Dignity Through Education, an organization that develops awareness and programmes dealing with racial harmony.

510. During the review period, the Commission continued its promotion and education initiatives aimed at combating racism by marking each year the International Day for the Elimination of Racial Discrimination, through its press releases, workshops and conferences. In 1997 it launched the *Vision for Equality Television series*, hosted with the Public Legal Education and Information Service-New-Brunswick, a conference on racism and hate crimes on the internet and one on *Understanding and Building on Diversity*, with the Fredericton Multicultural Association, and organized an Executive Round table on diversity for government, NGO and Corporate leaders. In 1998, it presented its paper *Hate Incidents in the Atlantic Provinces* to the Annual Atlantic Crime Prevention Conference. It developed a study guide to accompany its *Vision for Equality* video series, held workshops and conferences on Diversity and the promotion of harmonious race relations to government departments, university campuses, broadcasters, industry leaders culminating in its nomination for the first ever Canadian Race Relations Foundation's Award of Excellence in Race Relations. More recently, the Commission has produced and piloted a workshop, *Examining Hate* aimed at educators and community workers and acted as a resource support to the development of public school curriculum on Global Perspectives to Citizenship.

511. Multiculturalism Office programmes for the period 1997-2002 included partnerships with other government offices and community organizations to foster cross-cultural education opportunities and the development of immigrant integration materials titled "*Welcome to New Brunswick: Make Yourself at Home*" and a NB Immigration Website. The Office was involved with a number of government departments in the organization of the annual New Brunswick Heritage Week that celebrates different aspects of the province's cultural mosaic. That week ends with the celebration of the National Heritage Day.

512. In 1999, the New Brunswick Community College (NBCC) received approval from the New-Brunswick Human Rights Commission for a special programme that allocates training placed in all regular programmes for Aboriginal persons. Aboriginal applicants who wish to apply for admission to regular College programmes using this process, self-identify by completing an application form signifying their Aboriginal status before March 1 of the year preceding the commencement of training programme. The number of seats reserved in any one programme is based on the total seat capacity of that programme; for example, in a programme with a capacity of 20 or fewer seats, one seat will be reserved for Aboriginal applicants. The approval expires in August 2004, at which time the College can apply for renewal.

513. NBCC has also delivered training programmes specifically for the Aboriginal community in the areas of Aboriginal Plant Interpretation, Natural Gas Technician, and Vocational Forestry. Aboriginal communities in New Brunswick are developing human resources and the social and economic infrastructures required to progress toward self-sufficiency and self-government. To assist in this process, one of NBCC's strategic initiatives is to provide education and training opportunities leading to employment for the Aboriginal population of NB. This will enable Aboriginal people to pursue individual career goals and provides for a collaborative approach that ensures the aspirations of Aboriginal students and the particular needs of Aboriginal communities are met through the provision of quality education.

514. The New Brunswick College of Craft and Design has a one-year Native Arts Program as part of its foundation Arts Diploma Program. A Native instructor directs the Programme and the College has developed informal contacts with many elders and Native artists.

515. As well, the College is an interdisciplinary cultural education facility that maintains a policy of credit transference with the University of New Brunswick, whereby credit from one educational institution can contribute to a diploma or degree of the other.

516. The Department of Health and Wellness promotes understanding and combats prejudice by promoting special days including Day for Elimination of Racial Discrimination, National Aboriginal Day, and National Access Awareness Week. Messages go out to all staff, literature is available to staff and the public, and contests are held to raise awareness.

517. School districts have been directed to develop a policy consistent with the thrust of the Ministerial Statement on Multiculturalism/Human Rights Education, and to feature a progress report as part of the Annual Report of each district.

518. The document *Human Rights in the Curriculum*, prepared in 1988, is being updated. A document entitled *Checklists for Detecting bias and Stereotyping in Instructional Materials* was prepared in 1990. Further, a *Policy Statement on Maliseet and Mi'kmaq Education in New Brunswick* has been adopted by the Department of Education.

519. A number of initiatives are in place in the area of Aboriginal education:

- A consultant on Aboriginal education has been hired by the Department of Education.
- Native Studies 120 Programmes are being offered in a number of schools. "*Maliseet and Mi'kmaq: First Nations of the Maritimes*" is the approved text for this course. The department has approved a curriculum guide.
- Aboriginal Language programmes and materials have been and continue to be developed.
- In-service instruction is being held for teachers and administrators in various districts for the Aboriginal Education Orientation Program. These *Circle of Understanding* sessions are designed to introduce Maliseet and Mi'kmaq cultures, histories and contemporary conditions to the teaching staff. Sessions may also include learning styles of Aboriginal students, effective teaching strategies, and introducing Aboriginal content into curriculum subjects. A Native Studies Model (Grades K-12) is currently being developed for implementation in the public schools.
- Workshops are being conducted concerning the heritage and culture of First Nations.
- A Provincial Aboriginal Education Curriculum Development Advisory Committee is in place. This committee reviews the direction and support for the study of First Peoples in the curriculum. All committee members are either Maliseet or Mi'kmaq educators. A Maliseet Language Committee as well as a Mi'kmaq Language committee are also in place. They are responsible for the development of language materials that are required for the teaching of Maliseet/Mi'kmaq languages. Committee members include Maliseet and Mi'kmaq language teachers.
- In response to the Report on Excellence in Education, two initiatives are going forward: one will see an increase in the number of Native teachers, and the other will support Native leaders.

520. The Aboriginal Economic Development Fund (AEDF) is a programme created to support Aboriginal projects and initiatives in the area of economic development. The aim of the programme is to help Aboriginal entrepreneurs to start or expand their business and contribute to the enhancement of the economy of Aboriginal communities in New Brunswick. Studies, as well as government departments and agencies, non-profit organizations, First Nations and Aboriginal organizations, can receive financial assistance. The Regional Development Corporation (RDC) administrates this programme. Fifteen percent of the funding is provided by the province through RDC, 35 percent by the federal government through the Atlantic Canada Opportunity Agency and 50 percent by Indian and Northern Affairs Canada.

521. The goal of the Aboriginal Youth Internship Program (AYIP) is to provide young Aboriginals with the opportunity to work with the Community Economic Development Agencies (CEDAs), the Community Business Development Corporations, the Canada/New Brunswick Business Service Centre and various federal and provincial departments in the field of economic development to help them gain meaningful experience. The programme provides for the hiring of a total of 32 unemployed or under-employed interns with post-secondary education over a period of three years. Funding is provided through the AEDF. The programme provides a one-year term placement with possibility of extension for an additional year for a maximum of two years.

522. The Department of Environment and Local Government continues to hire qualified people regardless of cultural heritage or race. It participates as fully as possible in the Equal Employment Opportunity Programs and regularly hires short-term staff and summer students through these programmes. In addition to these short-term programmes, it has recently hired two permanent staff registered with the Equal Employment Opportunity Program.

523. The Department recognizes and promotes events such as Heritage Week, the International Day for the Elimination of Racial Discrimination, Aboriginal Day, and Disability Awareness Week in order to ensure that all staff are fully aware of human rights issues and to promote better understanding and tolerance

Culture

524. The Culture and Sport Secretariat of the Department of Education, in partnership with the Aboriginal Affairs Secretariat, provided consultant services and financial support to the New-Brunswick Mi'kmaq and Maliseet Sport and Recreation Circle.

525. In terms of First Nations, the Sport, Recreation and Active Living Branch has provided assistance with community development plans for several First Nations communities, made contact and distributed information to all First Nations communities on services

available from Sport, Recreation and Active Living Branch, and informed Aboriginal leaders of the benefits of recreation, especially for youth at risk.

526. In 2001-2002, the Aboriginal Affairs Secretariat developed a new cross-cultural awareness strategy. The strategy is intended to provide public servants with the opportunity to learn more about Maliseet and Mi'kmaq culture.

527. The Services Branch of the Department of Public Safety has endeavoured to ensure equal access of Aboriginal inmates to culturally sensitive spiritual services through programmes of visits by elders and participation in sweet grass ceremonies. The Branch has taken part in informal discussions with Aboriginal leaders regarding the development of institutional policy and procedures.

528. In terms of First Nations, the Sport, Recreation and Active Living Branch has provided assistance with community development plans for several First Nations communities, made contact and distributed information to all First Nations communities on services available from Sport, Recreation and Active Living Branch, and informed Aboriginal leaders of the benefits of recreation, especially for youth at risk.

529. Also, an Elder Program was initiated in 1999 at the Moncton detention centre. The New Brunswick Youth Centre has an Elder Program and a Native Awareness Room for increasing awareness, education and for cultural activities.

530. The Department of Public Safety has undertaken measures to promote cross-cultural understanding among its employees by organizing lunchtime awareness activities along with a multicultural exhibit, and by incorporating the government's Policy on Multiculturalism into an employee's handbook and into training programmes for executive directors. The Department of Public Safety is also represented on the Interdepartmental Committee on Multiculturalism.

531. With respect to correctional employees, the Department of Public Safety offers Aboriginal awareness training, including a Native Spirituality course led by Aboriginal elders as trainers. The purpose of this initiative is to ensure correctional staff is more culturally sensitive to the needs of Aboriginal offenders.

Nova Scotia

532. This report reviews measures adopted by the Government of Nova Scotia in application of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It updates, to May 2001, the information contained in the previous reports.

Article 2 : Policy and programme initiatives

533. The Race Relations and Affirmative Action Division within the Nova Scotia Human Rights Commission continues to develop, both in the public and private sectors, programmes and policies that promote cross-cultural understanding and eliminate barriers to the full participation of racial minorities in society. The Affirmative Action Programme assists organizations and agencies from the public, private, and community-based sectors, who wish to enter into affirmative action agreements. These groups take active, responsibility for eliminating discrimination and harassment in the provision of services, in the workplace, and in all areas covered by the Nova Scotia *Human Rights Act*. Sections 6, 9 and 25 of the *Human Rights Act* allow for employers and service providers to enter into special programmes and activities whose purpose is to promote the welfare of any class of individuals. Such programmes are deemed not to be a violation of the *Human Rights Act*. Organizations, such as universities, service organizations and associations, continue to sign Affirmative Action agreements.

534. The Race Relations Division offers workshops and training to institutions and organizations in the area of diversity, which covers race relations as a topic and provisions under the *Human Rights Act*. The number of training sessions requested has increased since the last reporting period. The Nova Scotia Human Rights Commission also conducts a number of information sessions on a per request basis to various organizations in the community. The Commission continues to develop training modules to specifically address racism and discrimination has developed a Train-the-Trainer module to address systemic discrimination in organizations. The Nova Scotia Human Rights Commission staff participate in ongoing training to develop increased understanding of racism and systemic discrimination.

535. The Nova Scotia Human Rights Commission has been working to strengthen its relationship with Aboriginal communities. An Aboriginal Human Rights Officer has been designated to create and implement a plan to work proactively with members of the Aboriginal community to make them aware of the services of the Commission. This

includes working with a committee that advises on ways to address issues in a culturally sensitive manner.

536. In addition, the Race Relations and Affirmative Action Division has worked with the Nova Scotia Department of Aboriginal Affairs to develop a training module on Aboriginal issues for government employees. This programme was tested in 1999 and the first employees were trained in 2000.

537. Throughout the period covered by this report, the Department of Human Resources and the Nova Scotia Government Employees Union have cooperated in gathering statistical information and developing a mandatory affirmative action policy for provincial civil servants at all levels. In March 1996, the Department and the Union made a specific commitment to overcome systemic discrimination; progress statistics are tabled annually in the Legislature.

538. The Senior Citizen's Secretariat, the provincial government agency that deals with aging issues encourages the independence, dignity and participation of all older adults. The Secretariat engages seniors in consultations, special events and projects. It also projects the diversity of the senior population through publications and other educational material.

539. The Nova Scotia Advisory Council on the Status of Women has as its mission to advance equality, fairness, and dignity for all women. The Advisory Council has also made consistent efforts to ensure that events, consultations, and initiatives undertaken by the Council are inclusive of women's diversity. In 1994, the Nova Scotia Advisory Council on the Status of Women consulted women's organizations in the province on establishing diversity within the Council board and staff. As a result, five of the seven new appointments to the Council were from racially visible groups. Since these 1994 appointments, the Council has been working to ensure that all projects of the Council are more inclusive. The Advisory Council has continued to strive to ensure the diversity of its Council members. The Chair of the Advisory Council, Patricia Doyle-Bedwell, a Mi'kmaq woman, was elected as Chair in 1996, and re-elected in 1997 and 1998. As of the beginning of 1999, four of the Council's thirteen members were from racially visible groups.

540. The Nova Scotia Advisory Council on the Status of Women staff have been involved with the Black Women's Health Network from its inception and partnered with a number of other organizations, including the United African Canadian Women's Association, the Black Business Initiative, and the Maritime Centre of Excellence for Women's Health in the planning and funding for the Black Women's Health Network Workshop held in East Preston in March of 2001.

541. The Council's primary strategic goal is to increase inclusion and participation of women in all their diversity in decisions that affect their lives, families and communities, with particular emphasis on those who face discrimination because of race, age, language, class, ethnicity, religion, disability, sexual orientation or various forms of family status.

542. Equity reference groups will play an integral role in a large, federally funded, 5-year programme of collaborative health research that the Advisory Council has undertaken in partnership with the Maritime Centre of Excellence for Women's Health. The programme of research aims to understand the links between women's unpaid caregiving work and health in diverse groups of caregivers. Equity reference groups, which have already begun to be established, will be essential in understanding the caregiving roles of women from diverse groups.

543. The Advisory Council makes efforts to collect any statistics pertaining to Black women, Aboriginal women, immigrant women, and women with disabilities. In the five-part statistical series on women in Nova Scotia that the Advisory Council is currently putting together, Council staff included statistics on diverse groups of women whenever such statistics were available.

544. In association with the Nova Scotia Human Rights Commission, the Council assisted in the development of Community Advocates for Rights with Responsibility (CARR), to raise awareness about media representations promoting sexist and racist representations of girls, women, African Canadians and other people of colour. In this connexion, the Council referred sexist/racist literature to the Advertising Standards Council of Canada and also participated in planning the March 2000 conference entitled *Hate: Poisoning Youth*. The Council's Chair was a panelist at this conference. Council staff remain active participants in the CARR committee.

545. In 1996, the Black Women's Health Project was initiated as a community outreach and information programme; funding assistance was provided by the Department of Health.

546. The new *Children and Family Services Act*, R.S. 1990, c.5, came into force in September 1991. This legislation states that wherever possible family units are to remain together, assisted by a wide range of supports. Several sections of the Act require that the best interests of the child be the paramount consideration in any placement or intervention; the preservation of the child's cultural, racial, religious and linguistic background is considered relevant to his or her best interests.

547. The policies of the Department of Community Services recognize the importance of a child's cultural, racial and linguistic heritage and require their consideration of all stages of child protection procedures during adoption proceedings and for foster care placement, including verification/validation of evidence, opening a case for ongoing service,

development of a case plan, making a court application and removing or returning a child to a caretaker. Additionally, a child's cultural, racial and linguistic heritage are to be considered in adoption proceedings in the assessment of the family when a child is placed for adoption and in interprovincial adoptions.

548. Cultural, racial and linguistic heritage are also to be considered for foster care policies and procedures where special efforts shall be made to recruit culturally-diverse homes, including outreach activities within communities utilizing key community people in accessing these communities to gain their support and in stressing cultural sensitivity during information sessions and orientation sessions.

549. The Children and Family Services Advisory Committee established under the Act requires that "two persons be drawn from the cultural, racial or linguistic minority communities". Where a child of Aboriginal origin is the subject of a child protection proceeding, the Act states that the Mi'kmaq Family and Children's Services of Nova Scotia shall receive notice as a party to the proceedings and may be substituted for the agency that commenced the proceeding. The Act also provides for notice to Mi'kmaq Family and Children's Services before an adoption agreement is entered into concerning a child who is or may be an Aboriginal child. Pursuant to section 88 of the Act, an Advisory Committee conducts an annual review of the Act; a senior staff member from Mi'kmaq Family and Children's Services sits on this advisory committee and also on related policy committees.

550. The Department of Community Services seeks African Nova Scotian applicants when hiring staff and service providers, because it recognizes the appropriateness of African Nova Scotians being able to receive services from African Nova Scotians. As well, all agencies, shelters, and group homes for which the department is responsible are required to implement human resources policies that reflect employment equity principles.

551. In addition, the department, in collaboration with the Department of Education's African Canadian Services Division, has focussed on employment support services for African Nova Scotians who are preparing to enter the labour force. They have also collaborated on identifying African Nova Scotian communities in need of preschool and early intervention initiatives. The department has been a partner with the community of Lucasville/Upper Hammonds Plains in providing a customer service training programme for youth. The department has also allocated a summer employment position to the Black Educators' Association to strengthen the link between the department and African Nova Scotians.

Article 4 : Prohibition against promotion of racism

552. Although the legislation concerning hate groups and hate propaganda falls under federal jurisdiction, the provincial *Human Rights Act* provides additional protection to groups vulnerable to such propaganda. Section 7 of the Act prohibits publication, displays or broadcasts that indicate discrimination or intent to discriminate against individuals or classes of individuals. The Human Rights Commission works with Community Advocates With Rights for Responsibilities (CARR) to address issues of racism and hate.

553. In March 2000, the group organized a conference called *Hate: Poisoning Youth*. The goal of the conference was to bring adults together to discuss their responsibility in activities, literature, and marketing to youth. Discussion at the conference included hate literature and activities, hate in culture and marketing, and the history of hate. Panels examined the legal implications of hate, freedom of expression issues, ideas for curriculum and the classroom, and steps to address hate in communities. CARR was nominated for a Canadian Race Relations Foundation Award of Excellence for their work around the conference.

Article 5 : Equality before the law

554. The Nova Scotia *Human Rights Act* R.S. 1989 c. 214, provides protection against discrimination on the basis of the following grounds: race, colour; creed, religion; national, ethnic or Aboriginal origin; sex (includes pregnancy); age; marital or family status; physical or mental disability; sexual orientation; political activity, affiliation or association; source of income; fear of contracting an illness or disease; sexual harassment; association with members of groups protected under the Act. The Nova Scotia Human Rights Commission's policy is such that complaints of racial harassment are considered to be complaints of racial discrimination.

555. The *Multiculturalism Act*, R.S. 1989, c.10, s.1, remains in force. Its purpose includes the establishment of a climate for harmonious relations among people of diverse cultural and ethnic backgrounds.

556. There are currently two Black judges serving in Nova Scotia. The Family Court appointment was made in 1986, and the Provincial Court appointment in 1996.

557. The Review Board of the Nova Scotia Police Commission is comprised of a Chairperson, Alternate Chairperson, Member and four Alternate Members. Since 1993, a representative from the Black community and a representative from the Aboriginal community have been serving on the Review Board as Alternate Members.

558. The Department of Justice, Police Services Division, has designed an introductory Multicultural Training Course for criminal justice workers in the province of Nova Scotia. The intent of the course is to assist Police and Correctional personnel in Nova Scotia to develop a basic understanding of other cultures and values, and to assist them in the normal discharge of their duties in a multicultural environment.

559. In 1994, the Union of Nova Scotia Indians, with provincial and federal support, developed the Mi'kmaq Young Offender Project. This ongoing initiative combines existing alternative sentencing measures with a restorative justice model that incorporates the Mi'kmaq legal traditions of healing and community resolution.

560. The published reports of the Law Reform Commission of Nova Scotia have included summaries in the Mi'kmaq language since 1992.

561. The Unama'Ki Tribal Police, an Aboriginal police force serving Unama'Ki communities, commenced operations in October 1994.

562. Previous reports have referred to the establishment by the Province of Nova Scotia of the 1986 Royal Commission to inquire into the circumstances that led to the wrongful murder conviction of Donald Marshall, Jr., a Mi'kmaq Indian. The federal and provincial governments continue to address the Royal Commission's 82 recommendations.

563. The Government of Nova Scotia has recently adopted an Employment Equity for Crown Law Agents Policy which provides that firms doing business with the Province, where the total fees per year for legal work are $5,000.00 or more, are required to sign a commitment to employment equity and the programme initiatives, and file the commitment with the Department of Justice. Without this commitment, firms will not be engaged in future to perform legal work for the government.

Article 6 : Effective protection and remedies

564. The Nova Scotia Human Rights Commission continues to investigate complaints of racial discrimination. In the fiscal year 2000-2001, approximately 18 percent of complaints of discrimination that were in the area of employment, were allegations of racial discrimination (race, colour, national, ethnic or Aboriginal origin). Approximately 51 percent of complaints in the areas of services were allegations of racial discrimination. This is an increase in both areas from the last reporting period.

Article 7 : Education, Culture and Information

565. In 1990, the provincial government appointed the Black Learners Advisory Committee (BLAC). The three-volume BLAC Report on Education was published in 1994. This report laid the groundwork for significant structural changes to the *Education Act* and the Department of Education, including the establishment in 1996 of an African-Canadian Services Division within the Department. In 2000, the Nova Scotia *Education Act* was amended to guarantee African Canadians in Nova Scotia a seat on each of the Anglophone school boards.

566. A similar process is taking place between the Department of Education and the Mi'kmaq community; the intended result is much greater Mi'kmaq control over the education of Aboriginal children. The new *Education Act* legislated the creation of a Council on Mi'kmaq Education and allows for the appointment of a Mi'kmaq representative to each regional school board. Two of the six anglophone school boards have Mi'kmaq representatives; in the other four regions, the bands are currently choosing their representatives to the boards.

567. A Mi'kmaq Education Consultant position was created by the department in 1995. The consultant is overseeing changes to the curriculum, including a Mi'kmaq Social Studies course to be piloted in five high schools and a Mi'kmaq language course to be offered to Aboriginal and non-Aboriginal children as the second-language course option.

568. Dalhousie University, Nova Scotia's largest university has, since 1989, provided a programme the goal of which is to increase the representation of indigenous Nova Scotian Blacks and Mi'kmaq in the legal profession by making Dalhousie Law School more accessible to applicants from these communities. A Black Student Advisory Centre was established in 1992. In 1996, the James Robinson Chair in Black Canadian Studies was established.

569. The Department of Education established the Office of Race Relations and Cross-Cultural Understanding in 1992. This office is working with school boards, multicultural groups and other education partners in developing anti-racist principles and a provincial education race relations policy. As well, the Office is working with school boards to develop race relations policies at the board level. The anti-racist principles will reinforce the individual's right to an education free from bias, prejudice and intolerance. The race relations policy includes school programmes and practices promoting self-esteem and pride in individual cultures and heritages. The Department is also finalizing its provincial student discipline policy, which includes sections prohibiting racial harassment. Under the new *Education Act*, R.S. 1995-96, c.1, school boards have a duty to establish policies that protect students from harassment and abuse.

570. In 1996, the Joint Human Rights and Education Committee was reactivated with the Executive Director of the Human Rights Commission and the Deputy Minister of Education serving as co-chairs. The Joint Committee acts as a forum for discussion and sharing information; it also has a mandate to recommend ways that human rights concepts and issues can be integrated into policies and curriculum development.

571. The Nova Scotia Human Rights Commission has developed numerous public education materials and an identity system to elevate its profile in the community. These include posters, bookmarks, fact sheets on racism and discrimination, and a web site. The Commission also developed a new logo depicting a wave and a rainbow as symbols of human rights and diversity in the province of Nova Scotia.

572. In March 1997, the Nova Scotia Sport and Recreation Commission launched a Fair Play programme that emphasizes zero tolerance for violence, racism and verbal abuse in sports facilities. The programme will also promote the right to increased access to sports regardless of racial origin. The City of Halifax has provided a programme to immigrant children since 1995 that is designed to increase the children's awareness of recreational opportunities and to help them feel more comfortable participating.

573. The Nova Scotia Human Rights Commission works with Partners Against Racism and with Community Advocates for Rights With Responsibilities on the commemorations for Human Rights Day (December 10) and the International Day for the Elimination of Racial Discrimination (March 21).

574. The Commission has organized events for the public that promote human rights issues. In 2000, the Commission held a public forum called "Human Rights: Reflections, Realities and Reasons" where the present and former executive directors of the Commission discussed the evolution of human rights in Nova Scotia over the last 30 years. In 2001, the Commission held a public forum titled: "What is the Future for Human Rights in Nova Scotia?" that consisted of three panel discussions each examining different areas and issues of human rights locally, nationally and internationally. The Commission has organized other events, including a luncheon in July 2001 for business, government and community organizations that featured international diversity consultant Trevor Wilson. In 1999, an interfaith breakfast with leaders and members of various faith communities was also organized in order to enter into dialogue with religious organizations in the province.

Prince Edward Island

General

575. This report reviews measures adopted by the Government of Prince Edward Island in application of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It updates, until May 2001, the information contained in the previous reports.

Population Demographics

576. In the 1996 population census, 92 percent of the population identified English as their mother language, whereas four percent identified French as their first language. French is the predominant language spoken in the province's Evangeline region. Education, health services and other government services in this region are available primarily in French. There are also communities along the north shore of the Island and in the province's extreme western and eastern regions that have a strong Acadian heritage but the use of French language is limited. Many Acadians in P.E.I. no longer consider French as their first language.

577. Three percent of the province's population identified themselves as having an origin other than Aboriginal, French, British or Canadian, and 1.1 percent (1520 people) identified themselves as visible minorities. Other ethnic cultural groups include German, Dutch, Lebanese and Asian. The Lebanese community is well established having arrived in the province in the 1860's.

578. In the census, 950 people identified themselves as aboriginal although there are only 650 registered Status Indians as defined in the *Indian Act*. Approximately half of Status Indians live on one of 4 Indian reserves in the province.

Reserves	**1996**	**2001**
Lennox Island	222	261
Morell	n/a	10
Rocky Point	n/a	42
Scotchford	n/a	105

Government Sponsored Refugees

579. Many new immigrants to the province come as a result of the federal-government sponsored Refugee Settlement Program. During the reporting period, 262 government sponsored refugees arrived in P.E.I. from the former Yugoslavia, Kosovo, Croatia, Bosnia, Iraq, Iran, Ethiopia, Liberia, Sierra Leone, Sudan, Afghanistan, Guatemala and El Salvador. An estimated 75 percent of the refugees leave P.E.I. before their second year. Reasons cited for the departures include failure to become gainfully employed, a greater range of services elsewhere and, in particular, availability of more extensive language training, and a desire to live in larger urban centres with the possibility of meeting others who share similar ethnic and cultural backgrounds.[18]

Article 2 : Policy and programme initiatives

Holocaust Memorial Day Act

580. In 1999, the P.E.I. government introduced the *Holocaust Memorial Day Act*, R.S.P.E.I., 1998, Cap. H-7. The purpose of the Act is to honour those whose lives were lost and to learn from this horrific event in world history. The Act states:

> Such a day will provide an opportunity:
>
> (a) to reflect upon and educate about the enduring lessons Humanity must learn from the Holocaust;
>
> (b) to recognize the necessity for perpetual vigilance to avoid such atrocities in the future; and
>
> (c) to consider other instances of systemic destruction of peoples, human rights issues, and the multicultural reality of modern society.

Hate on the Internet

581. In 2000, the P.E.I. Multicultural Council, in partnership with both the federal and provincial governments, undertook to develop an awareness campaign for students on hate material on the Internet. This campaign involved producing a 13 minute video that was distributed to all schools. The project was not completed at the end of the reporting period.

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[18] Opportunities for Collaboration: Immigrant Settlement on P.E.I., the P.E.I. Association of Newcomers to Canada, July 3, 2001.

Child Protection Act

582. In December 2000, the government introduced the *Child Protection Act* R.S.P.E.I. 1988, Cap C. The Act defines child abuse, the circumstances in which child protection measures are needed and the procedures to be followed. The statute, not yet proclaimed, includes special provisions for aboriginal children who are in need of protection. The provisions are intended to provide protection for the child within the context of their community by fostering collaboration and support from within the aboriginal community.

583. Section 1 (a): "aboriginal child" means a child who
    (i) is registered in accordance with the Indian Act (Canada)
    (ii) has a biological parent who is registered in accordance with the Indian Act (Canada),
    (iii) is under 12 years old and has a biological parent who
    (A) is a descendant from an aboriginal person, and
    (B) considers himself or herself to be aboriginal, or
    (iv) is 12 years old or more, a descendant of an aboriginal person and considers himself or herself to be aboriginal.

Article 4 : Prohibition against promotion of racism

584. As noted in Part I of Canada's report, Section 319 of the *Criminal Code* of Canada, prohibits the incitement of hatred and dissemination of hate literature that is targeted toward any identifiable group. The Provincial Prosecution Service prosecuted two charges under this section in April 2000.

Article 5 : Equality before the law

585. The *P.E.I. Human Rights Act* is deemed to prevail over all other laws of the province. In accordance with the *Universal Declaration of Human Rights*, the Act recognizes as a fundamental principle that all persons are equal in dignity and human rights. Section 1 (d) of the Act prohibits discrimination on the basis of age, colour, creed, ethnic or national origin, family status, marital status, physical or mental handicap, political belief, race, sex, sexual orientation or source of income.

586. The *Human Rights Act* allows all persons, not employed by the Commission, to file a complaint. Any act of discrimination before a tribunal would be dealt with on appeal or by a complaint under the *Human Rights Act*.

Diversity and Equity in the Civil Service

587. In 1998, the P.E.I. government amended the *Civil Service Act*, R.S.P.E.I. 1988, c-8, with the purpose of promoting diversity within the Public Service Commission. Section 2 (b) states that a goal of the Public Service Commission is:

> ....to foster the development of a public service that is representative of the province's diversity.

588. The provincial government undertook an extensive consultation process with the public and private sector, unions and non-government organizations to develop an equity and diversity policy for the Public Service Commission.

French Language Services

589. In 1999, in response to the francophone population's need for services in French, the P.E.I. government enacted the *French Language Services Act*, R.S.P.E.I. 1999, Cap. F-15.1. Section 2 of the Act gives purpose and scope to:

- define the parameters of use of French in the Legislative Assembly;
- specify the extent of French language services to be provided by government institutions;
- specify the extent of French in the administration of justice; and
- contribute to the development and enhancement of the Acadian and Francophone communities.

590. In *Arsenault-Cameron v. Prince Edward Island*, [2000] 1 S.C.R. 3, the Supreme Court of Canada overturned a P.E.I. Court of Appeal decision and ruled that there were sufficient numbers of francophone children in Summerside to warrant the opening of a French language school in that community. The court ruled that under s. 23 of the *Canadian Charter of Rights and Freedoms* the Province has a duty to provide official minority language instruction where numbers warrant it: A purposive interpretation of s. 23 rights is based on the true purpose of redressing past injustices and providing the official language minority with equal access to high quality education in its own language in circumstances where community development will be enhanced.

Aboriginal Treaty Rights on Fishing and Hunting

591. In *R. v. Marshall*, [1999] 3 S.C.R. 533, the Supreme Court of Canada affirmed the Mi'kmaq peoples' right to hunt and fish for commercial purposes as valid as a result of

treaties signed in 1760-61. Section 35 of the *Constitution Act 1982* states: [T]he existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

592. As a result of this ruling, the Federal Government undertook a programme to buy back some of the commercial fishing licences already issued in the province and redistribute them among the province's Indian bands.

593. The move towards equity in the sharing of resources has given rise to conflict. In one instance, the Department of Fisheries and Oceans transferred fishing licences from one port authority to another as a way of remedying tensions between the aboriginal and non-aboriginal fishers.

594. The *Marshall* decision has led to further claims by P.E.I. Mi'kmaq regarding access to other natural resources for the purpose of economic development. The decision also raises the question of the rights of non-treaty Indians to have access to natural resources.

Article 6 : Effective protection and remedies

Racial Discrimination Cases

595. The P.E.I. Human Rights Commission is responsible for the administration and enforcement of the P.E.I. *Human Rights Act*. In 1998, the role of the Commission was expanded to provide it with the authority to resolve complaints through a formal process. Under these provisions, the Commission's executive director has the authority to dismiss a complaint or discontinue action on a complaint. If grounds for the complaint are established and no settlement can be reached between the parties, the Chairperson must refer the complaint to a panel comprised of commissioners appointed by the provincial legislature and the Lieutenant Governor in Council. In addition to handling complaints and investigations, section 18 (b) mandates that the Commission provide public information and education on human rights.

596. Complaint Statistics on Racial Discrimination for January 1997 to March 2001

Time Period	Total Filed	Racial Discrimination	Employment Related	Services, Facilities, Accommodations
Apr. 2000 to Mar 2001	48	4		4
Jan 1999 to Mar 2000*	45	2	2	
1998	122	3	2	1
1997	676	2		2

* The P.E.I. Human Rights Commission switched from reporting on the basis of a calendar year to the fiscal year in 1999.

597. The activity in litigation of discrimination has been dominated by one person:

- *Ayangma* v. *Eastern School Board* (2000), 187 Nfld. & P.E.I.R. 154 (P.E.S.C.C.A.) Motion judge's order dismissing civil actions based on violations of the *Human Rights Act* upheld. Actions based on Charter reinstated.

- *Ayangma* v. *P.E.I. Human Rights Commission*, et al (2000), 189 Nfld. & P.E.I.R 286 (P.E.S.C.C.A.) Appeal of dismissal of appeal of costs.

- Dismissed *Ayangma* v. *Government of P.E.I., et al.* (2000) 195 Nfld & P.E.I.R. 130 (P.E.S.C.T.D.) Appeal of costs dismissed. Cost of appeal to Respondents.

- *Ayangma* v. *Government of P.E.I., et al.* (2000), 194 Nfld & P.E.I.R. 254 (P.E.S.C.T.D.) Refusal to allow a visible minority interviewer on the Race Relations Board interview panel was discriminatory and violated section 15 (1) of the Charter. Committee's preference for candidate with extensive experience in P.E.I. school system discriminated against visible minorities and therefore violated section 15 of the Charter. Plaintiff awarded $7500 general damages, plus costs.

- *Ayangma v Wyatt* (2001), 198 Nfld & P.E.I.R. 126 (P.E.S.C.T.D.) Plaintiff's statement of claim struck. No cause of action against Human Rights Commission Executive Director personally as he was acting within the scope of his employment as Executive Director of the P.E.I. Human Rights Commission.

Statement of Claim does not support claims of section 7 and 15 Charter violations, nor can an individual be sued in private capacity for violations of the Charter. No civil cause of action for a breach of a statute such as the P.E.I. *Human Rights Act*. Whole statement of claim struck as pleadings disclose no reasonable cause of action.

Article 7 : Education, Culture and Information

Education and Teaching

598. Much of the effort to combat racial discrimination has occurred within the Province's education system. While the Department of Education has no specific policies and regulations in regards to the elimination of racial discrimination, there is a race relations consultant who addresses curriculum issues, is a resource to the school boards and schools throughout the province, and provides ongoing training for educators in the area of multiculturalism, racism, diversity and equity.

599. In 1998, the Department of Education introduced the *Foundation for the Atlantic Canada Social Studies Curriculum* and a new social studies programme for grade 9 students, entitled *Atlantic Canada in the Global Community*. Both the foundation document and the grade 9 curriculum are a joint effort between the Departments of Education in all four of the Atlantic provinces that began in 1993. The foundation document provides objectives for teaching social studies from grade 1 to grade 12 within a framework that promotes:

- citizenship, power and governance;
- individuals, societies and economic decisions;
- people, place and environment;
- culture and diversity;
- interdependence; and
- time, continuity and change.

600. The new grade 9 curriculum is supported by a text book that includes chapters on culture with an emphasis on cultural diversity. The text presents a number of case studies including one on the Lebanese community in Prince Edward Island and another on Acadian culture. There is a section on racism that defines racism and racist behaviour

and offers some responses to racism at a personal level, within the community and in the institutional context.

601. In November 1997, the Aboriginal Education Committee was formed. The committee, compromised of representatives from Aboriginal communities, non-government organizations, educators and the province's race relations consultant, work together to develop curricula that reflect aboriginal history, culture and language and to improve the success rate of aboriginal students in the educational system.

602. In December 1997, the Diversity Education Committee was formed. This committee, comprising educators, school board representatives, Department of Education staff and representatives from various non-government organizations has the objective of promoting diversity and eliminating discrimination in the schools.

603. All three school boards in the province have adopted policies to promote safe schools and diversity. The policies are broad in scope in that they address discrimination and harassment in its various forms. Contained within the policies are regulations regarding reporting, investigation and guidelines for intervention in cases of harassment or discrimination. The processes involved are aimed at protecting the victim, resolving the conflict and fostering respect, understanding and inclusion.

604. Similarly, a number of schools on their own have made the commitment to the elimination of discrimination. Six schools have joined the League of Peaceful Schools, others have introduced inclusion policies or codes for responsible behaviour into the school, and others have organized peace walks. Some schools have produced 30-second video clips on the theme of the elimination of racial discrimination and five schools have created peace gardens.

605. The PEI Teachers Federation, at its 1999 annual conference, focused on the theme of diversity. Educators were offered workshops and presentations on how to foster appreciation and acceptance of the diversity in school populations and how to deal with some of the effects of discrimination found in the schools, i.e bullying and harassment.

606. The P.E.I. Multicultural Council (P.E.I.M.C.) is the umbrella organization that represents various ethno-cultural associations in the province. Its mandate is to promote the concerns of the multicultural community and to facilitate the participation of ethnic, racial, religious and cultural communities in the larger community of Prince Edward Island.

607. In 1998, the P.E.I.M.C. conducted a survey regarding the future of multiculturalism in P.E.I. and the role of the Council. Three-hundred and ninety-four surveys were sent out to the multicultural community, government representatives who interact with the

multicultural community, newcomers to P.E.I. and friends of P.E.I.M.C. Seventy-eight surveys were completed, representing a 21.1percent rate of return. The survey consisted of four parts: focus of multiculturalism; programmes and organizations; the role of the P.E.I.M.C.; and statistical data regarding the respondents (age, gender, country of origin, length of time residing in P.E.I.).

608. The results indicated that employment equity was the highest ranking concern (33.4 percent), followed by racism (30.8 percent), systemic discrimination (21.8 percent), discrimination (19.2 percent) and human rights (9 percent).

609. The five most important programmes serving the multicultural community were ranked by respondents as follows: English as a second language (152 respondents); cross-cultural awareness programmes (117); employment assistance programmes (117); anti-racism programmes (113); and school race relations programmes (108).

610. Since 1997, the P.E.I.M.C. has partnered with the P.E.I. Human Rights Commission and Scotia Bank in recognizing the International Day for the Elimination of Racial Discrimination, March 21, with an event entitled "Harmony Evening." In addition to this event, the Council, in collaboration with the Royal Canadian Mounted Police, sponsors an anti-racism contest in schools.

611. The P.E.I. Association of Newcomers to Canada (P.E.I.A.N.C.) is the agency that contracts with the federal government to provide settlement services for government sponsored refugees. P.E.I.A.N.C. provides services through both staff and volunteer resources (Host Program). As previously reported, 262 government sponsored refugees came to P.E.I. during the reporting period. In the spring of 1999, an additional 100 refugees from Kosovo came to P.E.I. under the Joint Sponsorship Agreement. Under this programme all refugees were sponsored by volunteer groups (more than five individuals).

612. In 1997, in collaboration with P.E.I. Department of Education and the Cross-cultural Resource Committee, the P.E.I.A.N.C. revised and distributed a publication entitled, "Understanding Others, A Community Handbook for P.E.I." The guide provides information on multiculturalism, immigration, racism and responding to racism. The guide has been published in both French and English and has been distributed to all schools in the province.

613. In 1998-99, with funding from the Maritime Centre for Excellence in Women's Health, the P.E.I.A.N.C. conducted research in collaboration with the University of Prince Edward Island School of Nursing and the Intercultural Health Assembly with the purpose of increasing cultural awareness among health care providers.

614. In the spring of 2001, Canadian Heritage provided funding to P.E.I.A.N.C. to conduct a series of public education sessions entitled "The World Among Us." Each presentation featured a different country. Presentations, made by newcomers to Canada, contained information about the geography, history, culture, people, nature and the present political/social and economic conditions in their countries of origin. Countries profiled included Sierra Leone, Kosovo, Japan, Dominican Republic, Croatia and Liberia.

615. In January 2001, in response to growing tensions between the aboriginal and non-aboriginal communities after the *Marshall* decision, the Cooper Institute[19], with assistance from members of the Abegweit Band, organized and hosted a public forum entitled "After Marshall...Learnings About Racism? Challenges for the Future?" Donald Marshall Jr., the respondent in the case, as well as representatives from other aboriginal organizations, discussed native treaties, the Supreme Court ruling in *Marshall* and its implications for aboriginal and non-aboriginal native communities.

616. In 1998, The P.E.I. Women's Network produced a publication entitled *Regarding Diversity: Women Share their Experiences of Life in P.E.I.* The publication is a collection of stories and poetry that documents the experiences of women who have immigrated to P.E.I. Each story is followed by a number of questions for the reader to consider. Copies of the publication have been distributed to all grade nine students in the province.

Culture

617. In 1998, on the 50th anniversary of the signing of the *Universal Declaration of Human Rights*, 50 people representing 25 community organizations spent two days at a forum with the purpose of creating the P.E.I. Community Promise of Inclusion. The Promise is a commitment to promote, preserve and nurture the spirit of community.

618. Six women, representing the P.E.I. Advisory Council on the Status of Women, and the P.E.I. A.N.C. and/or as individual citizens, participated in the World March of Women in New York City in October 2000.

619. The Adventure Group provides programmes for youth that foster self esteem, trust and leadership. Since 2000, the group has partnered with a Francophone association, the Carrefour de L'Isle St. Jean, and the Native Council of P.E.I. to provide a multicultural summer day camp. The programme brings together youths of different cultural backgrounds with the purpose of sharing and learning in a multicultural context.

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[19] The Cooper Institute is a local community development and social justice non profit organization.

Information

620. The province is served by numerous media outlets. There are three television channels that broadcast local issues and events. Canadian Broadcasting Corporation has two radio stations that broadcast on the Island; one which provides five hours of local programming Monday to Friday, the other is an arts and culture station that is produced nationally and regionally. There are two local shows a day that feature local news, current events, entertainment and other local information. There are two daily newspapers that publish six days a week, three weeklies (including a French language publication) and one bi-weekly.

621. All of the major media outlets were surveyed and report that they feature news stories that deal with issues related to multiculturalism, racism, the elimination of racism and promotion of multicultural events through public service announcements. A survey of the local media indicated that most of these outlets cannot easily track the number of stories or features they have presented on a particular subject matter within a particular time frame. The CBC, however, has an extensive data base. CBC Radio Charlottetown agreed to a search of their data bases to determine how many items on the theme of racial discrimination were produced locally or were aired as part of a local newscast during the reporting period. Using the key words "race", "racial", "racist", "discrimination", "human" rights", "inclusion", "equity", "diversity", "equality" and "multicultural", 56 news items and current affairs documentaries were identified. Of these items, the topics covered include events, public education campaigns, native issues, acts of racism, legal cases, language issues, racism in the education system, historical accounts, and commentaries.

Newfoundland and Labrador

622. This report reviews measures adopted by the Government of Newfoundland and Labrador in application of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It updates, until May 2001, the information contained in the previous reports.

Article 2 : Policy and programme initiatives

623. The Public Service Commission has initiated a Respectful Workplace Program based on the principle that all employees have a right to a respectful workplace. This is a work environment that is: respectful and tolerant of diversity and difference; supportive of the dignity, self esteem and productivity of every individual; free of harassment. Under the direction of a labour management committee, this initiative has sought to clarify how the Public Service manages conflict and diversity, to clarify expectations for respectful behavior in the workplace, and develop resolution mechanisms for conflict. It also seeks to provide support and set out options for employees who feel they have been harassed. In conjunction with Treasury Board Secretariat, awareness sessions and training are being developed that focus on the government's newly revised Personal Harassment Policy. This strategy will highlight expectations that all employees will be treated with respect, that complaints of harassment are dealt with appropriately and that due diligence is to be observed by taking every effort to ensure that harassment does not occur in the workplace.

624. The Royal Newfoundland Constabulary (RNC) members have received training in "Race Relations". As well, the RNC continues a positive relationship with the Association of New Canadians which often assists police officers in translation and has participated in joint training initiatives.

625. Cross-cultural sensitivity training is provided to all new correctional officer recruits as part of the induction training programme. As well, cross-cultural sensitivity training continues to be provided to all correctional officers assigned to the Labrador Correction Centre as well as youth care counselors employed at the Newfoundland & Labrador Youth Centre with a focus on aboriginal culture, belief systems and lifestyle.

626. The *Child, Youth and Family Services Act* came into force on January 2000 and in the general principles it states that the Act shall be interpreted and administered recognizing

the principle, among others, that the cultural heritage of a child shall be respected and encouraged and connections with a child's cultural heritage shall be preserved. As well, in determining the best interests of the child the child's cultural heritage is a factor that must be considered.

Article 6 : Effective protection and remedies

627. The Human Rights Commission received complaints on the basis of race in a number of areas; 8 in the area of employment, 1 for rental accommodations, 1 in the provision of services and 9 on the basis of national origin. Of these, 2 were settled, 1 withdrawn, 6 dismissed and 1 sent to a Board of Inquiry. As well, the 9 complaints on the basis of national origin (which were from dentists who were educated outside Canada and issued provisional licenses permitting them to perform all dental practices in restricted locations), were sent to a Board of Inquiry.

Article 7 : Education, Culture and Information

628. Public education efforts by the Human Rights Commission include the launch of a website, distribution of biennial reports as well as preparation of an annotated *Human Rights Code* and related pamphlets. In 1999 the Commission contributed to a publication by the Newfoundland and Labrador Human Rights Association "Into a New Light: Respect & Dignity for All", which included a section on filing human rights complaints.

629. The Human Rights Commission conducts presentations for educational institutions and community groups that deal with, among other things, discrimination and harassment on the basis of race.

630. The Department of Education has implemented a "Multicultural Education Policy: Responding to Societal Needs" based on the principles outlined in the United Nations *Universal Declaration of Human Rights*, the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*. Implementation guidelines outlined specific actions in the area of promoting respect for all cultural groups.

631. Race Relations Day is marked annually with a Proclamation signed by the Minister responsible for Human Rights and published in the local newspaper proclaiming the International Day for the Elimination of Racial Discrimination.

PART V

Measures Adopted by the Governments of the Territories

Yukon

General

632. This report reviews measures adopted by the Government of Yukon in application of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It updates, until May 2001, the information contained in previous reports.

633. Please refer to the Yukon's contribution to Canada's reports on the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights* for relevant information not repeated in this report.

Article 2 : Policy and programme initiatives

634. The Employment Equity Policy put into place in 1990 continues to be implemented. The target groups identified in the policy are women, Aboriginal peoples and people with disabilities. Data on visible minorities are regularly collected and monitored. The 1996 census indicates an increase in the visible minority population in the Yukon. Visible minority employees are statistically under-represented in the workforce, along with Aboriginal peoples and people with disabilities. The objectives of the policy are: to achieve an equitable, representative workforce; to identify and remove barriers to employment and advancement; to implement special measures and support programmes to remedy a previous disadvantage; and to contribute to fair and equitable access to employment opportunities and benefits of the Yukon government. Employees are surveyed and data are maintained on target group representation. The data are used for planning and supporting employment equity programmes that are established to eliminate employment disadvantages. Annual employment equity plans are developed and progress is reported in annual corporate reports for the Yukon government.

635. In 1999, the Public Service Commission began a new initiative to strengthen public sector management. A key component of this initiative is the Yukon Government Leadership Forum. This forum focuses on preparing employees to assume senior management positions within the Yukon government. The representation of women, Aboriginal people, visible minorities and people with disabilities was built into the selection process. Twenty three participants completed the programme and graduated in June 2001, with a new intake planned for 2002.

636. The Workplace Harassment Policy, established in 1992, remains in effect. The policy now also provides information to employees about laying complaints under the *Human Rights Act*. The purpose of the policy is to establish a workplace that does not tolerate harassment and to maintain a work environment that is free from harassment. The policy applies to all individuals, including casual and contract personnel employed with the Yukon government. Definitions are provided for the types of harassment covered under this policy, which include workplace harassment, personal harassment, sexual harassment and abuse of authority.

637. In 1998, a new clause on workplace harassment was negotiated in the Public Service Alliance of Canada and Yukon government collective agreement. Under Article 6 B of the Letter of Understanding "employees do not use the normal grievance procedure on a harassment-related issue". Instead the union refers employees to a harassment investigator in the Public Service Commission. A similar letter of understanding was recently negotiated between the Yukon Teacher's Association and the Yukon government.

638. In 1998, the Public Service Commission created the position Workplace Harassment Prevention Coordinator. This position manages the investigation and complaint resolution process for all workplace harassment complaints under the Workplace Harassment Policy and the Article 6 Letter of Understanding under the Public Service Alliance of Canada and Yukon government collective agreement and under the new letter of understanding with the Yukon Teacher's Association. The position also provides work unit consultation and organization training or workplace harassment prevention and resolution processes.

639. In March 1998, the Yukon government began a training programme for all its employees on Yukon Land Claims. The training consists of three modules that focus on Yukon First Nations culture, intercultural communications and the history and process of First Nations land claims. The training programme was developed jointly with representatives from First Nations governments and the Land Claims Secretariat. The purpose of the training is to foster strong relationships between First Nations and Yukon governments.

640. Chapter 22 of the Umbrella Final Agreement and First Nation Final Agreements require the Yukon government to develop, consult on, implement and review a plan to create a representative public service, both Yukon-wide and in fourteen First Nation traditional territories. In 1996, a joint planning process began with the Public Service Commission, departments and First Nations with Final Agreements to develop the Yukon-wide plan. As of September 1999, the Yukon-wide representative public service plan has been approved in principle along with three traditional territory plans. Departments are implementing activities under the Plan and traditional territory planning with First Nations continues.

641. In 1997, " An Accord to Implement the Understandings and Commitments of the Government of the Yukon and the Council for Yukon First Nations in Relation to the Transfer of Universal Health Programs " was signed. Among the provisions contained in the Accord were commitments to:

- work together to establish common health plans and priorities;
- be involved in community health planning processes;
- consultations on legislation etc.;
- identify increased employment opportunities for First Nations in health areas;
- establishment of a Health Partnership Committee; and
- establishment of a Director of First Nation Health Partnerships position within Health and Social Services.

642. In 1997, Legislature passed "An Act to Implement the Hague Convention on International Adoptions to ensure that the Hague Convention protocols etc. on international adoptions are implemented in law in the Yukon.

643. The Yukon government also passed Adoption Information Disclosure Regulations in 1998 regarding access to and release of adoption information.

644. In 2000, the government amended its social assistance regulations to enable effective implementation of First Nation Self Government Agreements.

645. A number of child welfare protocol agreements with First Nations have been signed that relate to processes, notification and involvement of First Nations in child protection issues/matters.

Article 7 : Education, Culture and Information

646. During the reporting period a review of the *Education Act* was begun. Final recommendations are expected to be implemented in 2002.

647. The Public Schools Branch continued projects and approaches to include First Nation culture in the curriculum content for all Yukon students. Ongoing work was done in the development and implementation of First Nation language.

648. The Yukon Native Teacher Education Programme has been continued. This Program is designed to assist First Nation people to be teachers in the elementary schools.

649. The Advanced Education Branch produced a booklet and a website to assist newcomers to the territory. The information is of particular benefits to immigrants. It is called the Newcomers Guide to the Yukon Territory-December 1999. The New Yukon Literacy Strategy 2001 is being implemented. The goal of the strategy is to provide maximum opportunity for all Yukon people to acquire the necessary literacy skills to be successful in their community, work and personal life.

650. In 1997, the Womens Directorate sponsored the Yukon Educational Theatre to tour rural Yukon communities to conduct conflict resolution workshops for elementary students throughout the Yukon

Northwest Territories

651. This report reviews measures adopted by the Government of the Northwest Territories in application of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It updates until May 2001, the information contained in previous reports.

Article 2 : Policy and programme initiatives; and Article 7 : Education, Culture and Information

652. The Government of the Northwest Territories has been working on the development of a new *Human Rights Act* to replace the *Fair Practices Act*. In November 2000, a Proposed *Human Rights Act* was tabled in the Legislative Assembly and the government conducted a broad consultation on the tabled document. The result of the consultation demonstrated considerable support for the project and has lead to broader protections in the proposed legislation. The *Human Rights Act* is in the process to become law.

653. When passed, the legislation will establish a full Human Rights Commission for the Northwest Territories. In addition to other responsibilities, the Commission will have a mandate to:

- promote a climate of understanding and mutual respect where all are equal in dignity and rights;
- promote the policy that the dignity and worth of every individual must be recognized and that equal rights and opportunities must be provided without discrimination; and
- develop and conduct programmes of public information and education designed to eliminate discriminatory practices.

654. The proposed Act also expands the scope of protection on the basis of race and enhances the complaints and investigation processes for people who have complaints of discrimination.

Nunavut

General

655. This report reviews measures adopted by the Government of Nunavut in application of the *International Convention on the Elimination of All Forms of Racial Discrimination*. It updates, until May 2001, the information contained in previous reports.

656. On April 1, 1999 the new territory of Nunavut was created out of the Northwest Territories pursuant to the Nunavut Land Claims Agreement and section 3 of the *Nunavut Act*, S.C. 1993, c.28. Modeled on the *Northwest Territories Act* and the *Yukon Act*, the *Nunavut* Act bestows on the Government of Nunavut powers equivalent to those possessed by the other two territories. Under section 29 of the *Nunavut Act*, all territorial laws in force in the Northwest Territories immediately before division were duplicated in Nunavut on April 1, 1999. All other laws in force in the Northwest Territories on April 1, 1999 (e.g. federal laws, common law) were continued in Nunavut, to the extent that they could apply to Nunavut.

657. Under the 1993 Nunavut Land Claims Agreement (NLCA), the Inuit received a settlement of $1.1 billion from the federal government. Under this agreement control of about 356, 000 square kilometers of land (about 18 percent of Nunavut) now rests with Inuit. It also established the Inuit right to self-government and self-determination. The Nunavut public government system includes an elected Legislative Assembly, consisting of a Speaker, Premier, cabinet and regular members. There is also a public service and trial court. Although Nunavut operates in a similar fashion to the other two territories it has some unique approaches to governance. The Nunavut government incorporates Inuit values and beliefs into a contemporary system of government. Inuit culture is promoted through the Department of Culture, Language, Elders and Youth, which plays a key role in helping all departments develop and implement policy reflective of Inuit values.

Article 2 : Policy and programme initiatives

658. Article 23 of the Nunavut Land Claim Agreement relates to Inuit Employment in government. Its objective is to increase Inuit participation in government employment to a representative level (NLCA Art. 23.2.1). It encourages knowledge of Inuit culture, language, society and the economy. The article outlines requirements for the analysis of personnel systems, policies, practices and procedures in the government to identify those that may hinder the recruitment, promotion or other employment opportunities of Inuit. It also seeks to remove systemic discrimination, i.e. barriers to Inuit participation in the

workforce. In order to fulfill this obligation the agreement sets out requirements for a Labour Force Analysis (Art.23.3.1) and Inuit Employment Plans (Art.23.4.1). In January 2000, the Government of Nunavut's Department of Human Resources Inuit Employment plan was tabled by cabinet and approved in principle. In the document entitled The Bathurst Mandate (Pinasuaqtavut) the government of Nunavut outlines its detailed plan for the direction that Nunavut will take for next 20 years. It states as one of its goals that by the year 2020 Nunavut has a representative workforce in all sectors and that every government department in the territory develops and implements a strategy to support the Inuit Employment Plan.

659. Article 24 of the NLCA, concerns procurement procedures for government contracts. This obliges both the Government of Canada and the territorial government to provide reasonable support and assistance to Inuit firms to enable them to compete for government contracts (Art.24.2.1). To implement article 24, the Government of Nunavut implemented the Nunavummi Nangminiqaqtunik Ikajuuti (NNI) policy April 1, 2000. Its objectives are to increase Inuit participation in the provision of goods and services to the Government of Nunavut (Section 7.1).

660. The *Fair Practices Act*, Nunavut (R.S.N.W.T 1988, c.F-2), duplicated in Nunavut from the Northwest Territories, remains unchanged for the reporting period.

Article 5 : Equality before the law

661. Article 23 of the NLCA respecting Inuit employment within government addresses the need for pre-employment training for Inuit to become employed to a representative level in the government. Some of the measures identified to make this achievable include instruction in Inuktitut, ability for training opportunities locally and recognition of Inuit culture and lifestyle (Art.23.5.2). It also recommends on-the-job training opportunities and apprenticeships. These goals are reflected in the Nunavut Government's Inuit Employment Plan. Education is critically important, as half of the territory's population is under 15 years of age. To date the number of Inuit going on to higher education has been significantly lower to that in southern Canada. The IEP recommends a review of the educational system from kindergarten through to post-secondary in an effort to encourage youth to stay in school thus gaining the appropriate education to increase Inuit representation in the work force (Appendix A- IEP).

662. The Bathurst mandate states the importance of Inuit traditional knowledge, or IQ, as the context in which the territory will be governed. Following from this the Government of Nunavut approved the terms of reference for an IQ task force, in August of 2000 to develop an implementation plan for IQ initiatives.

663. Article 23 of the NLCA states that as part of the development of an Inuit Employment Plan there is a need for an understanding of the cultural context of Nunavut – knowledge of Inuit culture, society and the economy. It also acknowledges the importance of the Inuktitut language, as well as the need for training opportunities with Inuktitut as the language of instruction.

664. Article 32 of the NLCA concerns the Nunavut Social Development Council and addresses the right of Inuit to participate in the development of social and cultural policies. The article sets out the establishment of the Nunavut Social Development Council as the agency designated to ensure that these rights are affirmed and acted upon. It allows for conducting research on social and cultural issues and dissemination of information to Inuit on these areas.

Article 7 : Education, Culture and Information

665. Culture: The Government of Nunavut's Department of Culture, Language, Elders and Youth (CLEY) is mandated to preserve and promote Inuit cultural identity. The department offers financial support and guidance for cultural activities. Through its Grants and Contributions Policy it provides funding for several cultural and artistic activities. These activities include fostering the use and retention of the Inuktitut language and its dialects. CLEY provides funding to support French language development through the Canada-Nunavut Cooperation Agreement for French and Inuit Languages.

666. CLEY also funds the Quliit Nunavut Status of Women Council and women's initiatives that enhance the cultural, economic, political and social participation of women in society.